

ORDINANCE NO. 15-102

AN ORDINANCE AMENDING SECTIONS 14-715 THROUGH 14-735 OF THE ROGERS CITY CODE; PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES.

WHEREAS, Sections 14-715 through 14-735 of the Rogers City Code require updates in order to ensure accuracy and consistency with the Downtown Rogers Development Code (“DRDC”).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That Sections 14-715 through 14-735 of the Code of Ordinances, City of Rogers, Arkansas, are hereby amended and shall read as shown in Exhibit “A”, attached hereto and incorporated by reference as if set out word for word herein.

Section 2: That the need to amend said City Code chapter is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 3: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this 28th day of July, 2015.

APPROVED:

C, GREG HINES,
Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: Derrel Smith

Prepared by: Chris Griffin, Senior Staff Attorney

Sec. 14-715. Downtown Rogers Development Code. (DRDC)

1.0 Purpose and Intent

The purpose of the Downtown Rogers Development Code (DRDC) is to guide redevelopment in the Downtown Rogers area by building on the success of the historic core to implement the vision for a more walkable, vibrant, mixed use neighborhood by:

- a) Preserving and enhancing the existing development character of downtown and adjoining neighborhoods through a comprehensive form-based approach to achieve mixed use, transitions, and pedestrian-oriented design.
- b) Creating appropriate Zones to implement the vision for different areas of downtown – Core Mixed Use, Commercial Mixed Use, Industrial Arts and Neighborhood Transition, which implements the Downtown Rogers Initiative Plan, adopted July 2015.
- c) Establishing appropriate urban design standards associated with each Zone including building form, use, and public open space standards with a focus on implementing pedestrian-oriented design.
- d) Establishing a clear review, approval, and appeals process for all development.

1.1 DRDC Zoning Map

Within any area subject to the approved area of the DRDC zone, City Code Section 14-715 becomes the mandatory regulations, unless specified in Subsection 2.2 (Relationship to other city ordinances). It shall establish the following development standards for all properties within the DRDC area:

- a) **Establishment of DRDC Zones** – The DRDC area is distinguished into different zones. Each zone is intended to respond to distinct urban aspects within Downtown Rogers and is based on the illustrative vision for the different zones within the DRDC area. Each zone shall establish use and building form standards including standards for building height, mass, placement, functional design and parking. The DRDC Zoning Map classifies all lots within the DRDC area into one of the following four (4) zones:
 - i. **Core Mixed Use (COR)** – The purpose of the Core Mixed Use Zone is to highlight the historic core of Downtown Rogers and expand the core to include key locations for mixed-use development, compatible with the downtown core. The intent is to mix commercial uses with some residential and public uses. Focusing on pedestrian facilities and unique experience destinations will be a key to establishing Downtown Rogers as a place for public interaction.
 - ii. **Commercial Mixed Use (COM)** – The purpose of the Commercial Mixed Use Zone is to be compatible with the Core Mixed Use through flexibility of uses, continuing to allow retail, education and commercial as primary uses, but also including residential as a core use to be located within Downtown Rogers. The focus is to transition this area as a more livable location, by upgrading

infrastructure for development while also making this area friendlier to residential uses.

- iii. **Industrial Arts (IA)** – The purpose of the Industrial Arts Zone is to focus this area on the goal to establish local artisanal manufacturing, light industrial and businesses close by downtown. These developments will take advantage of being accessible to rail, trails and Arkansas Street. The intent is to mix manufacturing, residential, and retail in a walkable yet flexible format.
- iv. **Neighborhood Transition (NBT)** – The purpose of the Neighborhood Transition Zone is to support appropriate transition between existing residential neighborhoods and open space and the more active commercial and urban residential areas. The intent is to support the character of the neighborhoods around downtown. Additional transition requirements will also be included in the regulations for the other three Zones.

b) **Street Designations** – The streets within the DRDC area shall be classified by their street type in coordination with the context of the surrounding development and their use. Street cross sections shall address vehicular lane widths, number of lanes, pedestrian accommodation, street tree requirements, on-street parking, and parkway and median standards. These standards are laid out in Subsection 6 (Street Design Standards). The streets sections complement the Complete Streets Plan for the City of Rogers. Construction and composition requirements for streets are located in Chapter 14 Article II Design Criteria and Construction Specifications for Division, Development and Improvement of Land. Division 3 Streets and Roadways.

c) **Building Frontage Standards** – Building Frontage designations shall classify different block frontages based on the pedestrian priority goals of the vision and are labeled on the DRDC Zoning Map (Attachment 1). Building frontages are categorized into one of the three (3) types:

- i. **Pedestrian Priority Frontage** has the highest quality standard for pedestrian-oriented building design. Focus is on wider sidewalks, ample clear space, appropriate street furniture, adequate lighting and limited vehicular conflict points within the streetscape area. Buildings will be required to address the pedestrian area and provide a higher quality of commercial design standards.
- ii. **Pedestrian-Friendly Frontage** has a middle quality standard for pedestrian-oriented building design. Focus is on adequate sidewalks, ample clear space, appropriate street furniture, adequate lighting and limited vehicular conflict points within the streetscape area. Pedestrian-Friendly Frontages lead to Pedestrian Priority Frontages and expand connections to these areas into adjacent neighborhoods.
- iii. **General Frontage** has a basic quality standard for pedestrian-oriented building design. Any frontage not labeled as a Pedestrian Priority or Pedestrian-Friendly is considered a General Frontage. Focus is on required pedestrian access,

adequate clear space, select locations for street furniture, adequate lighting and safe vehicular-pedestrian interactions within the streetscape area.

- d) **Public Open Space Designation** – Public Open Space within the DRDC is denoted on the DRDC Zoning Map (Attachment 1). Detailed standards for any additional Public Open Space or improvements to existing Public Open Space are included in Subsection 7 (Open Space Standards). These standards include general character, typical size, frontage requirements and typical uses within these public open spaces.

2.0 Administration and Development Phasing

2.1 Applicability

- a) The uses and buildings on all properties within the DRDC zoning classification shall conform exclusively to this section. Where this section is silent, the other appropriate sections of the City Code shall apply.
- b) Table 2-1 (Applicability Matrix) shall determine which Subsections of the DRDC might apply to any proposed development. Not all Subsections will apply to every circumstance, but review each Subsection to determine need to adhere to those Subsections as necessary and to understand all required conditions of the DRDC.
- c) Terms used throughout this Chapter are defined in Subsection 9 (Definitions). For those terms not defined in this Section, definitions within the general City Code shall apply. For terms not defined in either document, they shall be accorded commonly accepted meanings. In the event of conflict, the definitions of this Section shall take precedence.
- d) Where in conflict, numerical metrics shall take precedence over graphic metrics.

2.2 Relationship to other City Ordinances

The development and subdivision standards under Chapter 14 Article 3 and 5, as amended, shall not apply to projects within the DRDC except as specifically referenced herein.

Building and Fire Code, Drainage, Utility, Stormwater and other related technical requirements shall be applicable to the extent that it does not directly disrupt the intent of the code.

DRDC Section	Subsection 3: Schedule of Uses	Subsection 4: Building Form and Development Standards				Subsection 5: Building Design Standards	Subsection 6: Street Design Standards	Subsection 7: Open Space Standards	Subsection 8: Streetscape and Landscape Standards			
		Build to Zones and Setbacks	Building Frontage	Building Height	Parking and Service Access				Sidewalk, Street Trees and Streetscape	Street Screen	Street Lighting and Furniture	Utilities
Type of Development												
Commercial, Mixed-Use, Lodging and Multi-Family												
New Construction	•	•	•	•	•	•	•	•	•	•	•	•
Change of Use (without expansion of conditioned building area)	•				•					•		•
Expansion of Existing Buildings (see Attachment 3)		•	•	•	•	•		•	•	•	•	•
Existing Building Remodel (without expansion of conditioned building area)	•											
Expansion of Parking Area		•	•		•	•	•	•	•	•		
Single-Family Residential												
New Construction	•	•	•	•	•	•	•	•	•	•	•	•
Change of Use (without expansion of conditioned building area)	•				•							
Expansion of Existing Buildings (see Attachment 3)	•	•	•	•	•	•		•	•	•		
Existing Building Remodel (without expansion of conditioned building area)	•					•						

• = required to meet the requirements of the Subsection

2.3 Development Review Process

- a) Site plan review process shall be required and administered per Chapter 14, Article 3, Division 6 for Large Scale Development Plans.
- b) Allowable Adjustments: The City Planner or designee (herein known as the City Planner) may approve allowable adjustments within the limits and per the criteria listed in Table 2-2 (Allowable Adjustments Table). All allowable adjustments shall be considered “meeting the requirements of the DRDC” in accordance with City and State legislative requirements. In no circumstance shall the City Planner approve an allowable adjustment that results in:
 - i) An increase in overall project intensity or density;
 - ii) A change in permitted uses or mix of uses;
 - iii) A change in the required frontage designation; or
 - iv) A change in any required element of the DRDC Zoning Map and the DRDC beyond the thresholds established in Table 2-2 below.

Table 2-2: Allowable Adjustments Table		
DRDC Standard	Extent of Allowable Adjustment Permitted	Criteria for Adjustment
DRDC Zoning Map		
Area/Boundary of DRDC Zones	No more than a 20% change (increase or decrease) in the area of any DRDC Zone (aggregate)	Lots being changed shall be a part of a larger development needing common zoning for the project.
Building Form and Development Standards		
Build to Zones and Setbacks	No more than a 20% change in the maximum or minimum setback applicable or 5 feet whichever is greater.	<p>Changes to the Build to Zones and setbacks may only occur when they are caused by one or more of the following:</p> <ol style="list-style-type: none"> 1. Need to accommodate existing buildings and structures on the lot that meet the overall intent and vision for redevelopment in the DRDC area; or 2. Need to accommodate other required modes of transportation (transit, bike, pedestrian), stormwater drainage, water quality, or low impact development (LID) elements on the site; or 3. Need to accommodate overhead or underground utilities and/or easements; or 4. Need to preserve existing trees on the property. This adjustment is not mandatory for tree preservation, but for the allowance for preservation; or 5. Need to provide public amenities along the sidewalk (outdoor dining/seating, larger sidewalk, or other similar public amenities).
Building Frontage	No more than a 15% reduction in the required building frontage along each subject lot with Pedestrian-Friendly or General Frontage designation.	<p>Any reduction in the required building frontage shall be to address one or more of the following to accommodate:</p> <ol style="list-style-type: none"> 1. Existing buildings and site elements; or 2. Other required transit, bike and pedestrian, stormwater drainage, or water quality elements on the site

Table 2-2: Allowable Adjustments Table		
DRDC Standard	Extent of Allowable Adjustment Permitted	Criteria for Adjustment
Building Heights	Increase in height of building for providing a public amenity	Height may be increased by one (1) additional story in COM and IA Zones if a public open space is provided on-site. The public open space must meet the standards of the Public Open Space Types in Attachment 4 of this Section. Public Open Space may be privately owned and maintained.
Sidewalk and Streetscape Standards	Sidewalks, Street Trees, Street Lighting, and other streetscape standards may be adjusted based on the development context, street cross section or larger public infrastructure plan.	Any changes to the streetscape standards shall be based on specific development context such as existing vegetation, natural features, drainage and fire safety.
Required Parking Spaces	Reduction in the number of required parking spaces	Reduction in the number of parking spaces shall be based on one or more of the following: <ol style="list-style-type: none"> 1. A shared parking plan for parking within 1,000 feet of the subject property; or 2. A parking study for the uses proposed on the site; or 3. A combination of the above.
Other		
Any other numerical standard in the Section	A adjustment up to 10% (increase or decrease)	An adjustment of a numerical standard is needed to accommodate existing conditions. The proposed development still meets the intent of the DRDC Zone.
Phased Developments	Deferment of building frontage standards	Phased developments may defer building frontage requirements as long as they meet the Build to Zone and parking setback requirements.

c) Modifications:

- i) The Rogers Board of Adjustments (BOA) shall first review projects that request a modification beyond the standards in the DRDC authorized above in Table 2-2 (Allowable Adjustments Table).
- ii) The BOA shall review only the modification that exceeds the allowable adjustment within the DRDC and shall rule only in the case that this modification meets the following criteria:
 1. The goals, intent and vision of the adopted Downtown Initiative Plan;
 2. The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
 3. The extent to which the proposal provides public benefits such as usable public open space, livable streets, affordable housing, structures and/or shared parking, and linkages to transit;
 4. The extent to which the proposal does not hinder future opportunities for high intensity development; and
 5. Consideration of health and welfare of the general public.

- iii) If BOA denies the requested modification, applicant must perform a redesign of the plan in order to meet the standards or request other modifications through BOA.
- iv) If BOA approves the requested modification, application is passed to the Planning Commission (PC) for review of the remainder of the plan. During review of the plan, PC must review the plan for its merits with the consideration that the modification has been approved.
- v) Review Considerations for Planning Commission – In reviewing any plans after a modification request to standards in this Section, the Planning Commission shall use the following criteria:
 - 1. The goals, intent and vision of the adopted Downtown Initiative Plan;
 - 2. The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
 - 3. The extent to which the proposal provides public benefits such as usable public open space, livable streets, affordable housing, structured and/or shared parking, and linkages to transit;
 - 4. The extent to which the proposal does not hinder future opportunities for higher intensity development; and
 - 5. Consideration of health and welfare of the general public.

2.4 Plat Approval Process: The applicant shall follow the process for the plat approval subject to the requirements for Subdivision in Chapter 14, Article 5.

2.5 Nonconforming Uses: Shall meet standards in Section 14-720 Nonconforming lots, uses of land, structures, and uses of structures and premises.

2.6 Noncomplying Structures and Sites: A noncomplying structure or site may be altered or enlarged, provided that such alteration or enlargement shall neither create any new nonconformity, nor shall increase the degree of the existing nonconformity of all or any part of such structure or site. Attachment 3 shall provide examples of acceptable additions to noncomplying structures in the DRDC area.

2.7 Amendments to the DRDC: Amendments and changes to the DRDC Zoning Map, text and property boundaries beyond those expressly permitted under this Section shall be in accordance with the procedure set out in the City Code.

3.0 Schedule of Permitted Uses

3.1 Applicability: Due to the emphasis on urban form over land uses in the DRDC, general use categories have been identified by zone (Table 3-1; Schedule of Uses).

a) Use Determination: The City Planner is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the City Planner shall place the proposed use under that use category. A use not specifically listed shall be prohibited unless it is found to be similar to another listed use as described using the criteria below. The City Planner's decision may be appealed to the PC for final determination. When determining whether a proposed use is similar to a listed use, the City Planner may consider any other following relevant criteria, especially as it relates to any direct impacts on adjoining roadways and/or neighborhoods:

- i) The actual or projected characteristics of the proposed use;
- ii) The relative number of employees;
- iii) Hours of operation;
- iv) Buildings and site arrangement;
- v) The relative amount of site area or floor area and equipment devoted to the proposed use of uses;
- vi) Types of vehicles used and their parking requirements;
- vii) Relative amounts of sales;
- viii) Transportation demand by all modes, including the number of vehicle, transit, and bike/walk trips generated and whether existing or proposed infrastructure is adequate to serve those trips;
- ix) The likely impact on surrounding properties; or
- x) Whether the activity is likely to be found independent of the other activities on the site.

3.2 Uses Permitted with Criteria: Certain uses are permitted with criteria established in Table 3-2. These uses will only be permitted to documented adherence to the design criteria and by approval of the City Planner.

Table 3-1 – Schedule of Uses					
P =Permitted		-- = Not Permitted	P/C = Permitted with criteria		A = Accessory Use
	DRDC Zone	Core Mixed Use (COR)	Industrial Arts (IA)	Commercial Mixed Use (COM)	Neighborhood Transition (NBT)
Land Use					
Commercial Uses (Office, Retail, Sales and Service Uses)					
Art, antique, museum, furniture or galleries (retail, repair or fabrication; excludes auto or electronics sales or service)	P		P	P	P
Auto-related Sales establishments	--		--	--	--
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, <u>with no drive through facility</u>	P		P	P	P
Fitness, recreational sports, gym, athletic club, dance or yoga studio	P		P	P	--
Food Service Uses such as full-service restaurants, cafeterias, bakeries catering and snack bars <u>with no drive through facilities</u> Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages.	P		P	P	--
Offices for business, professional, administrative, and technical services such as accountants, architects, lawyers, doctors, etc.	P		P	P	P
Pet and animal sales or service, <u>with no outside kennels</u>	P		P	P	--
Retail Sales or Service with no drive through facility (includes alcohol sales).	P		P	P	--
Retail Sales or Service with drive through facility (includes retail with associated fuel sales and alcohol sales).	--		--	--	--
Theater, cinema, or music venue	P		P	P	--
Educational, Public Administration, Health Care and Other Institutional Uses					
Business associations and professional membership organizations	P		P	P	P
Child day care and preschools	P		P	P	P
Funeral homes	P		P	P	--
Hospitals and nursing establishments	P		P	P	--
Public administration uses (including local, state, and federal government uses, public safety, health and human services)	P		P	P	P
Schools, libraries, community/civic facilities and religious institutions	P		P	P	P
Social, fraternal and philanthropic organizations	P		P	P	--
Universities and Colleges and Technical, trade, and specialty schools	P		P	P	--
Residential and Lodging Uses					
Accessory Building Residential Unit (Garage Apt.)	--		P	--	P
Bed and Breakfast (10 or fewer rooms and owner managed)	P		P	P	P
Hotel	P		P	P	--
Manufactured housing	--		--	--	--
Multi-family Residential Ground floor *See Subsection 5.4 – Commercial Ready Standards	P*		P	P	P
Multi-family Residential Upper floors	P		P	P	P
Multi-Unit Home	P		P	P	P
Single-family residential, Attached dwelling unit (Townhomes)/ Patio Home, Duplex	P		P	P	P
Single Family Residential, Detached	--		--	--	P
Manufacturing, Transportation, Communication, and Utility Uses					
Auto Service Establishment	--		--	--	--
Brewery, Distillery and Winery	P/C		P/C	P/C	--
Commercial food, textile and product manufacturing	--		P	--	--
Heavy manufacturing that may produce hazardous waste	--		--	--	--
Mini-Storage	--		--	--	--
Miscellaneous light manufacturing (Manufacturing processes that do not create hazardous waste)	P		P	--	--
Transportation services (air, rail, road, truck and freight)	P		P	--	--

Table 3-1 – Schedule of Uses				
P =Permitted -- = Not Permitted P/C = Permitted with criteria A = Accessory Use				
DRDC Zone	Core Mixed Use (COR)	Industrial Arts (IA)	Commercial Mixed Use (COM)	Neighborhood Transition (NBT)
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc)	P	P	P	--
Utilities and utility services (electric, natural gas, alternative)	P/C	P/C	P/C	P/C
Wholesale trade establishment/ Warehouse and Storage Services	A	A	--	--
Other Uses				
Food Trucks, Food Truck Parks (See City of Rogers Code of Ordinances for standards on Food Trucks and Food Truck Parks)	P	P	P	--
Home Occupations	A	A	A	A
Parking, structured	P	P	P	--
Temporary use, other	P/C	P/C	P/C	P/C
Temporary use, surface parking lot	P/C	P/C	P/C	--
Veterinary clinic with Outdoor Services	--	--	--	--

Table 3-2 – Use Criteria Table		
Use	DRDC Zone	Use Criteria
Manufacturing, transportation, communication, and utility uses		
Brewery, Distillery and Winery	Core Mixed Use Commercial Mixed Use Industrial Arts	All brewing, distillery or winery equipment and process shall be conducted indoors at all times.
Utilities and utility services (electric, natural gas, alternative)	All DRDC Zones	i) Outdoor storage of fleet vehicles, service areas, utility boxes and equipment shall NOT be permitted located along Pedestrian Priority Streets. ii) All such areas along other streets shall be screened with a required street screen (at least as high as the equipment being screened) (see Subsection 8.3 for standards).
Other Uses		
Temporary Use, Other	All DRDC Zones	Any temporary use shall require a time limit not to exceed 2 years and be approved by Planning Commission. After the two year time limit, the applicant may receive a renewal of the temporary use.
Temporary Use, Surface Parking Lot	Core Mixed Use Commercial Mixed Use Industrial Arts	i) New surface parking lots shall be permitted as an interim use of property if they are the primary use of property ii) Applications for new surface lots shall include in-fill building concepts on the lot with a site plan that meets the build-to-zone and building frontage standards of the specific character zone. iii) New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets. iv) New surface parking shall not be located at a street intersection (of any Pedestrian Priority and Pedestrian-Friendly Streets only) for minimum of 30' from the intersection along each street.

4.0 Building Form and Development Standards

Building form and development standards applicable to each DRDC zone are described in this Subsection. The images and graphics through this Subsection are provided as illustrative of intent and are advisory only. Refer to the standards on the following pages for the specific standards.

In addition, the graphics used to illustrate the standards in each DRDC zone are NOT intended to indicate exact conditions within each DRDC zone. Rather, illustrations are conceptual and standards are to be applied based on the specific frontage types designated along the subject property or site. Also, the illustrations may depict other site elements to establish context and only the standards regulated by the specific Subsection shall apply.

Building form graphics in this Subsection are NOT TO SCALE.

4.1 General to All DRDC Zones

a) Building Frontage Designations: The Building Frontage designations are applied as depicted on the DRDC Zoning Map to specify certain building form and site development standards. Building frontages are classified into one of the following three (3) categories:

i) Pedestrian Priority

1. Pedestrian Priority Frontages are intended to provide the most pedestrian-friendly and contiguous development context. Buildings and sites along Pedestrian Priority Frontages shall be held to the highest standard of pedestrian-oriented design and few, if any, gaps shall be permitted in the “street wall.” Breaks in the street wall may be permitted for courtyards, forecourts, sidewalk cafes, and pedestrian connections between the individual sites and the public sidewalk. These street frontages are the main retail, restaurant, entertainment streets or are important neighborhood connectors as identified in the DRDC Zoning Map.
2. The area between the building façade and property line or edge of any existing sidewalk along any street with Pedestrian Priority Frontage shall be designed such that the sidewalk width shall be the minimum of the designated street cross section and the remainder of any setback area shall be paved flush with the public sidewalk. Sidewalk cafes, public art, landscaping within tree-wells or planters may be incorporated within this area.

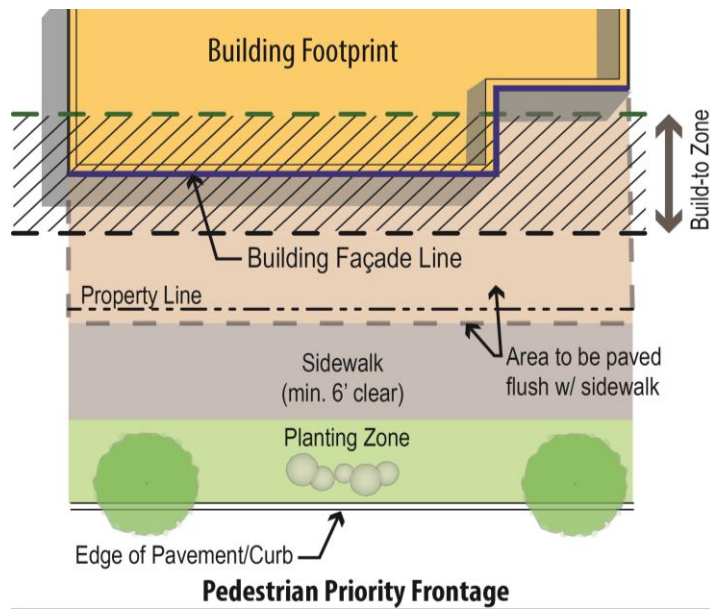


Illustration showing requirements along Pedestrian Priority Frontages

- ii) **Pedestrian-Friendly** – Pedestrian-Friendly Frontages are also intended to be pedestrian-oriented with a mostly contiguous development context. However, in some locations, where access to a General Frontage street or Alley is not available, Pedestrian-Friendly Frontages may need to accommodate driveways, parking, service/utility functions, and loading and unloading. In such cases, Pedestrian-Friendly Frontages may balance pedestrian orientation with automobile accommodation. Typically, they shall establish a hybrid development context that has a more pedestrian-supportive development context at street intersections and accommodates auto-related functions and surface parking in the middle of the block. Surface parking shall be screened from the roadway per Subsection 8.3 of this Section. Pedestrian-Friendly Frontages are designated on the DRDC Zoning Map.
- iii) **General** - General Frontages are intended to accommodate more auto-oriented uses, surface parking, and service functions on a site with a more suburban/automobile orientation. The General Frontages shall be any frontage not designated as either a Pedestrian Priority or Pedestrian-Friendly Frontage on the DRDC Zoning Map.

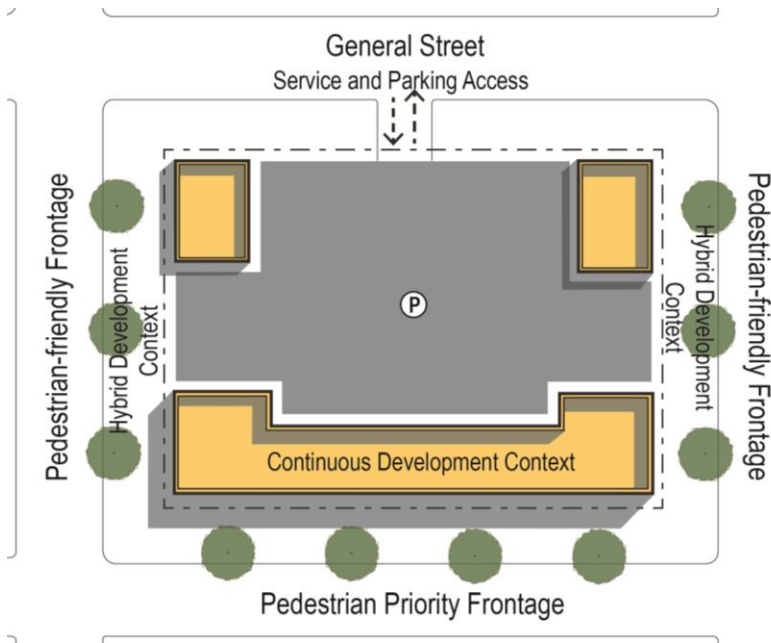


Illustration showing the application of Frontage Types and their related development context

b) Treatment of Street Intersections:

- i) At the intersections of Pedestrian Priority and Pedestrian-Friendly Frontages, corner building street facades shall be built within the Build-to-Zone (BTZ) for a minimum of 30 feet from the intersection, along each street, or the width of the lot, whichever is less.
- ii) Corners of buildings are permitted to have curved or chamfered forms, recessed entries or public open space at these corners.
- iii) In the case of public open space at the corner, the building shall wrap along the public open space.

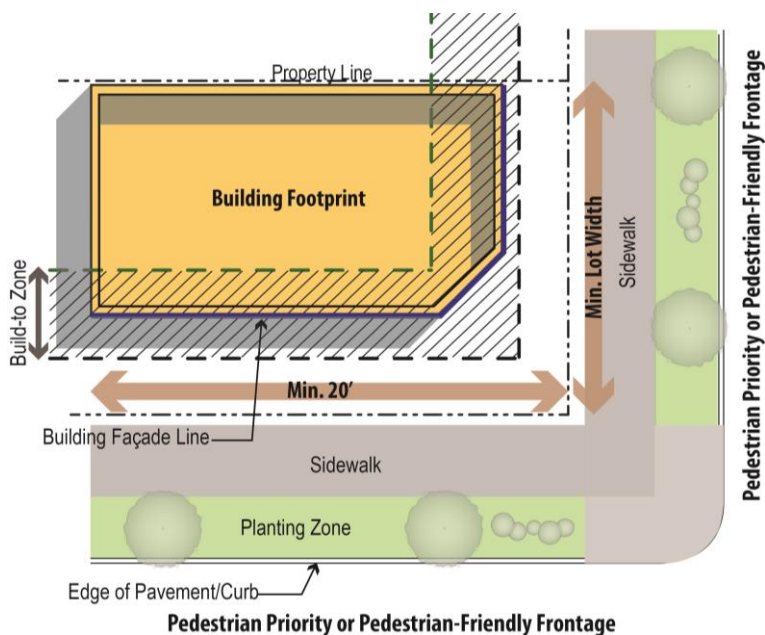


Illustration showing minimum frontage requirements at an intersection of Pedestrian Priority and Pedestrian-Friendly Frontages

- iv) Corner buildings may exceed the maximum building height by 25% along no more than 20% of the building frontage along each corresponding street façade.

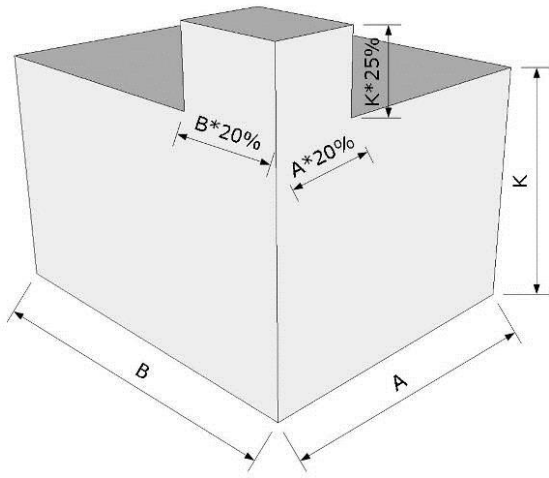


Illustration showing Corner Building Height Allowance

c) Parking and Service Access:

- i) Location of parking (structured and surface lots) shall be per DRDC zone form standards, Subsections 4.2 through 4.5.
- ii) Required off-street parking spaces shall be calculated per Table 4-1 below.

Table 4-1 Parking Ratios			
DRDC Zone	COR, COM, IA	NBT	Additional Criteria
Minimum Off-Street Vehicular Parking Requirements			
All non-residential uses and ground floor commercial spaces	No requirement	1 space per 300 square feet of building area	1. Landscaping within surface parking lots shall meet standards in Subsection 8 of this Section. 2. A shared parking plan or alternative parking plan may be approved by the City Planner as an Allowable Adjustment (Subsection 2).
Residential Uses	1.0 spaces per dwelling unit	1.5 spaces per dwelling unit	
Lodging Uses (bed and breakfast and hotels)	.5 spaces per guest room; all other areas shall be parked at the non-residential rate above.	1.0 spaces per guest room; all other areas shall be parked at the non-residential rate above.	
Minimum Bicycle Parking Requirements (in addition to vehicular parking)			
All non-residential uses and ground floor commercial spaces	2 spaces for up to 3000 square feet and 1 space for every 1000 square feet additional	N/A	1. Bicycle Parking may be accommodated with design appeal and within key locations on site. 2. Bicycle parking located on – street counts towards bicycle parking requirement.
Multi-Family Residential	15% of all required vehicular parking	20% of all required vehicular parking	

iii) Driveways, Alleys and Service Access:

1. Unless otherwise specified in the specific DRDC zone standards in Subsections 4.2 through 4.5, driveways and off-street loading and unloading may be located with access along a Pedestrian-Friendly Frontage street only if the property has no access to either an alley, General Frontage street or joint use easement to an adjoining property with direct driveway access to any other street.
2. Unless otherwise specified in the specific DRDC zone standards in Subsections 4.2 through 4.5, driveways and off-street loading and unloading may be located with access along a Pedestrian Priority Frontage street only if the property has no access to either an alley, Pedestrian-Friendly or General Frontage Street or joint use easement to an adjoining property with direct access to any other Street.
3. Along Pedestrian Priority and Pedestrian-Friendly Frontages, driveway spacing shall be limited to one driveway per each block face or per 200 feet of block face for blocks greater than 400 feet in length.
4. Shared driveways, joint use easements or joint access easements shall be required for adjoining properties when driveway and service access is off a Pedestrian Priority Frontage or Pedestrian-Friendly Frontage.
5. Service and loading/unloading areas shall be screened per standards in Subsection 8.3.
6. Unless required to meet minimum fire access or service access standards all commercial and mixed use driveways/alleys shall be a maximum of 20' in width. Service driveways/alleys shall be a maximum of 30' in width. Driveways wider than 24' in width shall only be located off of General Frontage streets. Driveways/alleys along State controlled roadways shall meet Arkansas Highway and Transportation Department (AHTD) Standards or the City's adopted ordinances and regulations.
7. Residential Driveways:
 - a. Unless required to meet minimum fire access or service access standards, driveways for Residential Use Buildings shall be a maximum of 12' in width.
 - b. Garages for Residential Buildings shall be located on streets with General Frontage, Alleys or at the rear of residential buildings with pull-through garages where the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than to fit two (2) cars and set back at least 20 feet measured from the Building Façade Line of the primary structure. This restriction does not apply for J-swing garages.
 - c. Front-loaded garages on residential lots less than 40' wide shall not be allowed. Townhomes and courtyard apartments shall utilize garages with access from streets with General Frontage, Alleys, or joint use

easement to an adjoining property with direct access to any other Street.

d) Measuring heights:

- i) Chimneys, vents, elevator and stair enclosures, screened HVAC equipment, other mechanical enclosures, tanks, solar energy systems and similar elements are exempt from the height limit.
- ii) Internal building height shall be measured from finished floor to the bottom of the structural members of the ceiling.
- iii) Floor-to-floor heights shall not apply to parking structures or civic buildings.
- iv) Permitted corner tower elements are exempt from the height limit, except to the extent of the permitted tower height as denoted in subsection 4.1 (b) iv of this Section.

e) Encroachments:

- i) Encroachments into R-O-W:
 - 1. Maximum of 50% of the depth of the sidewalk when there is no vertical support for the object (except blade signs which shall encroach no more than 6' from the building façade line).
 - 2. Maximum of 100% of the depth of the sidewalk when using a gallery, arcade or colonnade system.
 - 3. Minimum vertical clearance from the finished sidewalk shall be 8'.
 - 4. In no case shall an encroachment be located over an on-street parking area, travel lane or landscaping/street trees.
 - 5. Encroachments over AHTD roadways shall adhere to AHTD policy.
- ii) Overhangs within Required Setbacks: Canopies, awnings, galleries, and balconies may overhang within any required setback area per standards established in each DRDC zone as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation.

f) Phased Developments: Due to the infill nature of development within the DRDC, certain building form and site development standards may be deferred for phased development projects meeting the following criteria:

- i. Submission of a site plan that illustrates how development and any related private improvements will be phased over time. Each phase of the site plan shall independently comply with all applicable standards of the DRDC unless an Allowable Adjustment is granted.
- ii. Required private landscaping and open space amenities may also be phased with the building to permit final landscaping when adjacent buildings are finished.
- iii. A letter of credit will be required for any phased development.

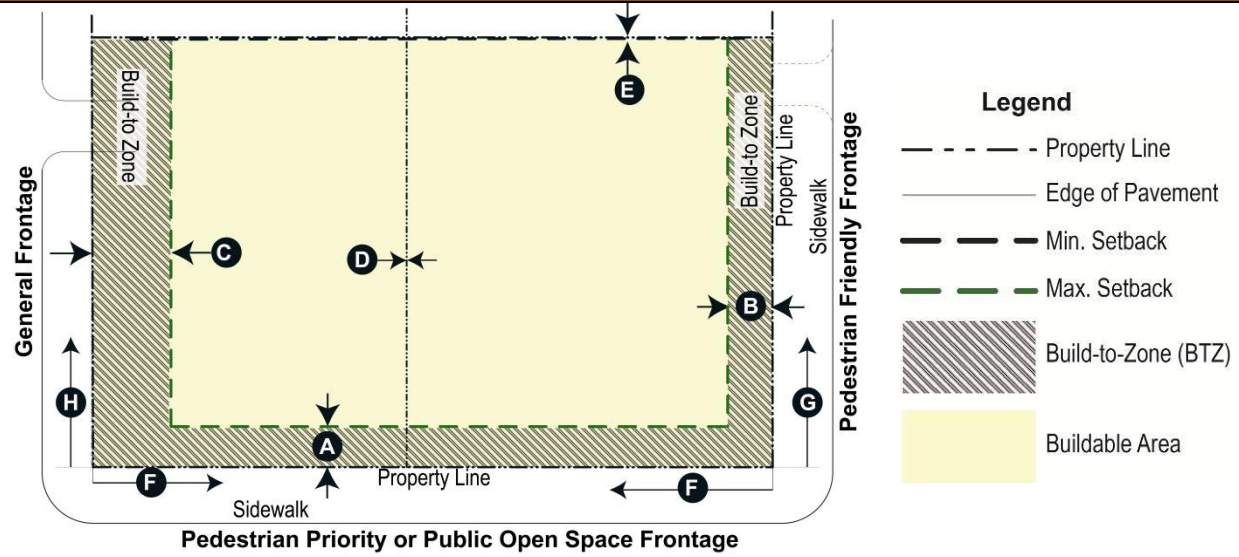
4.2 Core Mixed Use (COR)

a) Illustrations and Intent

The purpose of the Core Mixed Use Zone is to highlight the historic core of Downtown Rogers and to expand the core to include key locations for mixed-use development that are compatible with the downtown core. The intent is to mix commercial uses with some residential and public uses. Focusing on pedestrian facilities and unique experience destinations will be a key to establishing Downtown Rogers as a place for public interaction.

Development Standards within this DRDC zone specifically address the unique aspects of redevelopment in this area by retaining the existing development pattern while allowing higher density, pedestrian-oriented development to occur. In addition, the standards allow phasing of redevelopment and encourage the use of existing buildings and parking lots to the extent possible.



(b) Building Placement**(i) Build-to Zones (BTZs) and Setbacks
(Distance from property line to edge of the zone)**

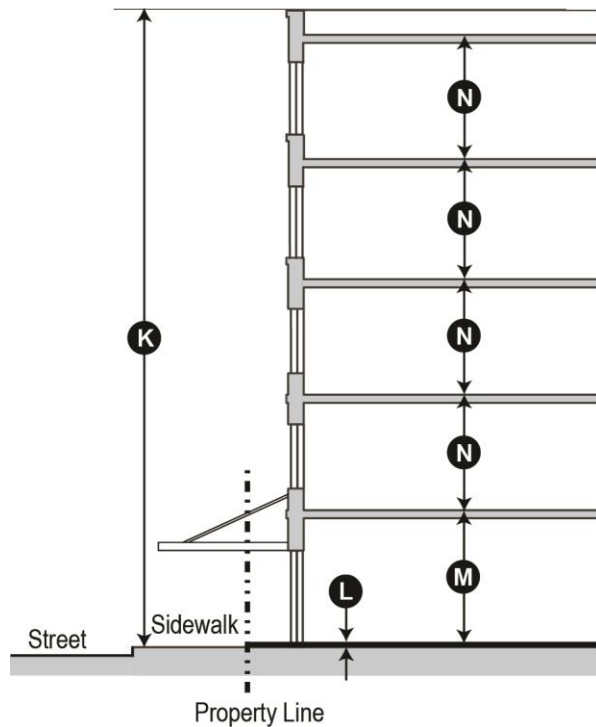
Pedestrian Priority Frontage /Open Space (BTZ)	0' min. setback – 15' max. setback	A
Pedestrian-Friendly Frontage (BTZ)	0' min. setback – 25' max. setback	B
General Frontage	0' min. setback – 30' max. setback	C
Side	0' min. setback; no max. setback	D
Rear	0' min. setback; no max. setback	E

(ii) Building Frontage

Pedestrian Priority /Open Space Frontage	90% min.	F
Pedestrian-Friendly Frontage	70% min.	G
General Frontage	30% min.	H

CORE MIXED USE (COR)

(c) Building Height



(i) Principal Building Standards

Building height	<ul style="list-style-type: none"> Maximum height limited by the Airport Hazard Zone Transition requirement if adjacent to detached single-family zoned residential (Subsection 4.2 (d)) 	K
First floor to ceiling height (fin. floor to structure of ceiling)	<ul style="list-style-type: none"> 12' min. for all frontages 	M
Ground floor finish level	<ul style="list-style-type: none"> Maximum 12" rise for commercial ground floor. 	L
Upper floor(s) height (fin. floor to structure of ceiling)	<ul style="list-style-type: none"> 9' min. 	N

(ii) Accessory Building Standards

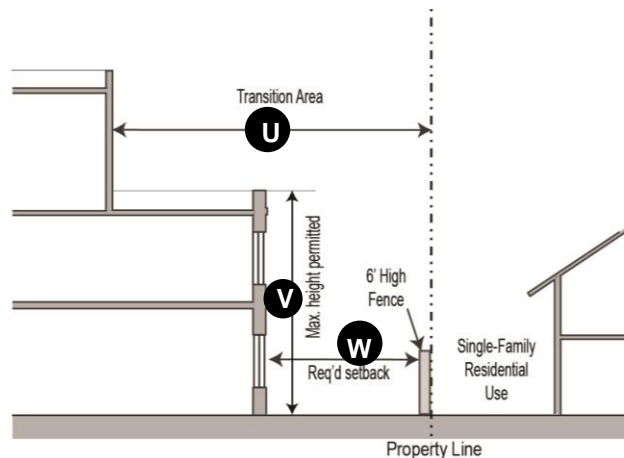
Accessory buildings shall meet the standards for Principal Building standards in the Core Mixed Use Zone.

(d) Residential Transition Standards

The following transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to any existing single-family detached residentially zoned lots. This requirement shall NOT apply if an alley or other similar R-O-W separates the subject lot and the existing single-family detached residential lot.

i.	Transition Area	30 feet min.	U
ii.	Max. Building Height at/within Transition Area	35 feet max.	V
iii.	Required setback	10 feet min.	W

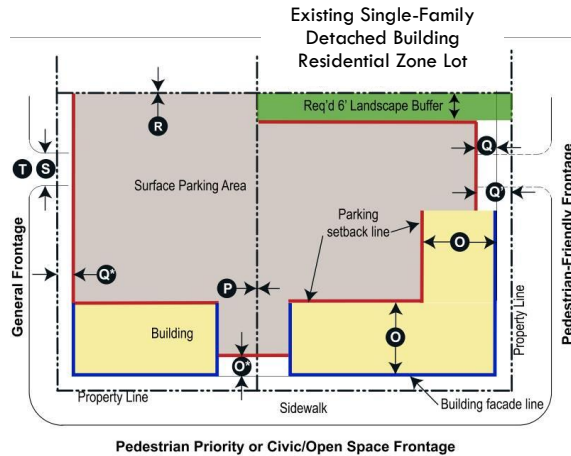
A Residential Transition Area fence (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to any existing single-family detached residentially zoned lot and shall be optional for all other adjacencies. The required fence shall be constructed of masonry or block. A 6-foot wide landscape buffer with evergreen shrubs planted at 3' on center and 6' min. in height at maturity shall also be required to be planted within the landscape buffer parallel to any single-family residential lot line. (see surface parking setbacks illustration; Subsection 4.2 (e) i)



CORE MIXED USE (COR)

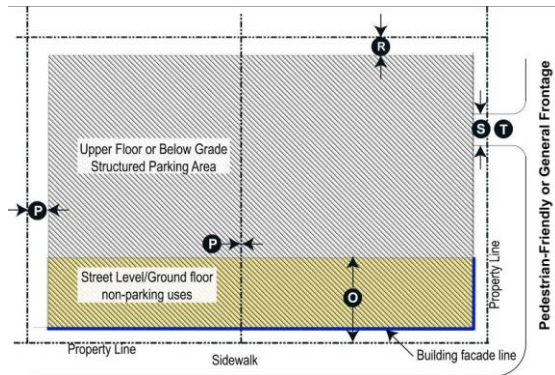
(e) Parking & Service Access

(i) Surface Parking Setbacks



Pedestrian Priority or Civic/Open Space Frontage	<ul style="list-style-type: none"> Shall be located behind the principal building along that street frontage; or Min. 3' behind the building façade line along that street 	O O*
Pedestrian-Friendly Frontage	<ul style="list-style-type: none"> Min. 3' behind the building façade line along that street or Min. 6' behind the property line along that street (if no buildings along the street frontage) 	Q Q'
General Frontage	<ul style="list-style-type: none"> Min. 3' behind the property line along that street 	Q*
Side	<ul style="list-style-type: none"> 6' (min) only if adjacent to any single-family detached residential zoned lot; 0' for all other adjacencies 	P
Rear	<ul style="list-style-type: none"> 6' (min) only if adjacent to any single-family detached residentially zoned lot; 0' for all other adjacencies 	R

(ii) Structured Parking or Below Grade Parking Setbacks



Standards for **S** and **T** in the illustrations above are referenced in standards for Driveways, Alleys and Service Access in Subsection 4.1 (c) iii.

Pedestrian Priority / Civic/Open Space Frontage	<ul style="list-style-type: none"> Ground floor - Shall be min. of 30' from the property line Upper Floors – may be built to the façade line along that street 	O
Pedestrian-Friendly Frontage or General Frontage	<ul style="list-style-type: none"> May be built up to the building façade line along that street; or If no building is located along the street frontage; then the structured parking shall meet the setback standards along that specific frontage. 	
Side	<ul style="list-style-type: none"> 10' (adjacent to any single-family detached residential zoned lots) 0' (all other adjacencies) 	P
Rear	<ul style="list-style-type: none"> 10' (adjacent to any single-family detached residential zoned lots) 0' (all other adjacencies) 	R

(iii) Partially Below Grade Parking

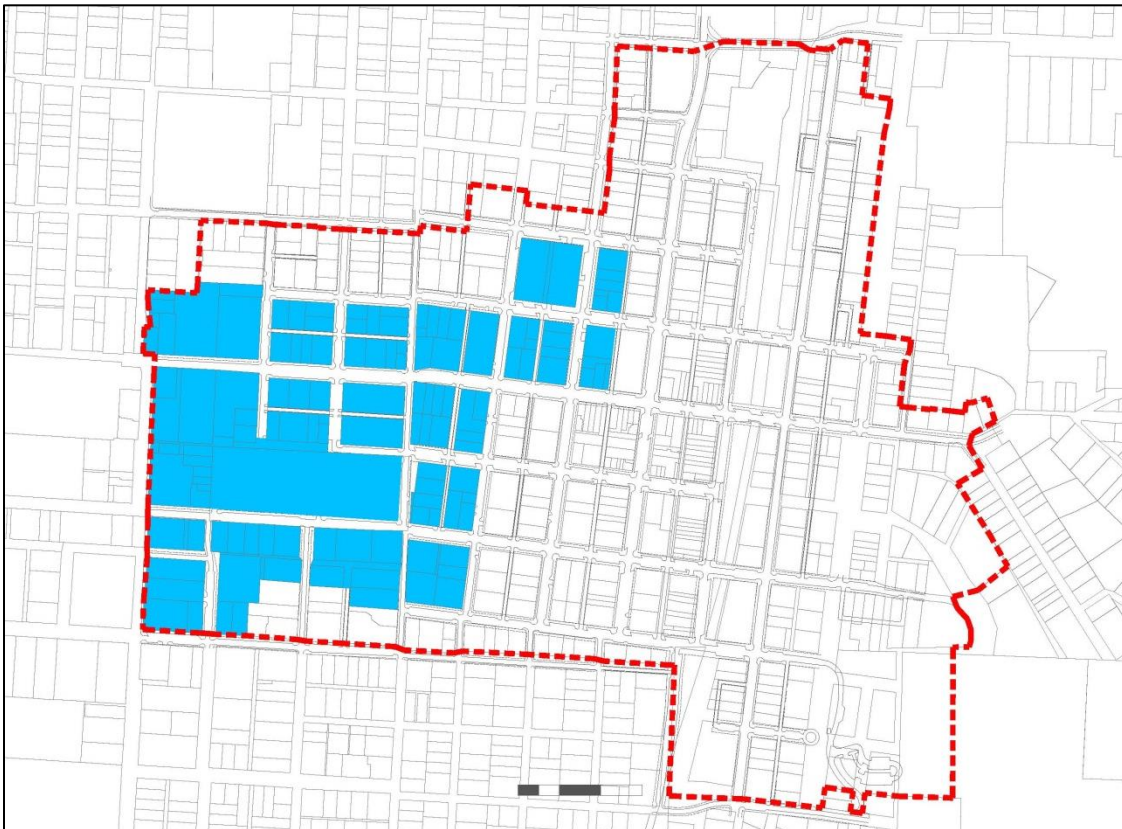
May be built up to the Building Façade Line along all Pedestrian-Friendly Frontages and General Frontages.

4.3 Commercial Mixed Use (COM)

b) Illustrations and Intent

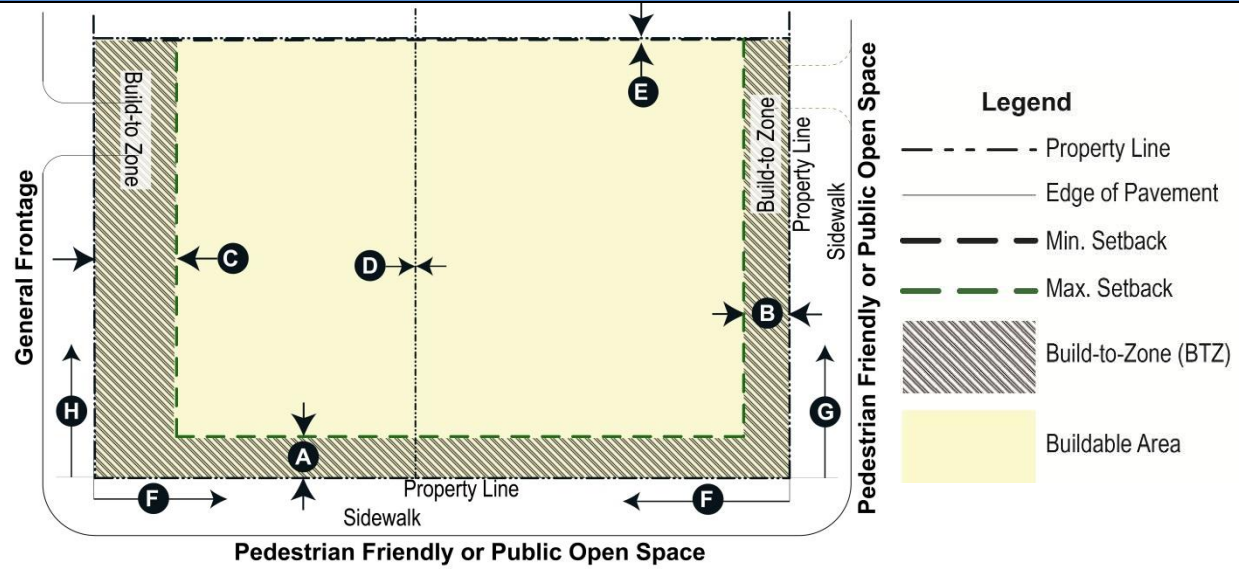
The purpose of the Commercial Mixed Use Zone is to be compatible with the Core Mixed Use through flexibility of uses, continuing to allow retail, education and commercial as primary uses, but also including residential as a core use to be located within Downtown Rogers. The focus is to transition this area as a more livable location, by upgrading infrastructure for development while also making this area friendlier to residential uses.

Development Standards within this DRDC zone specifically address the unique aspects of redevelopment in this area by retaining the existing development pattern while allowing higher density, pedestrian-oriented development to occur. In addition, the standards allow phasing of redevelopment and encourage the use of existing buildings and parking lots to the extent possible.



COMMERCIAL MIXED USE (COM)

(b) Building Placement



(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)

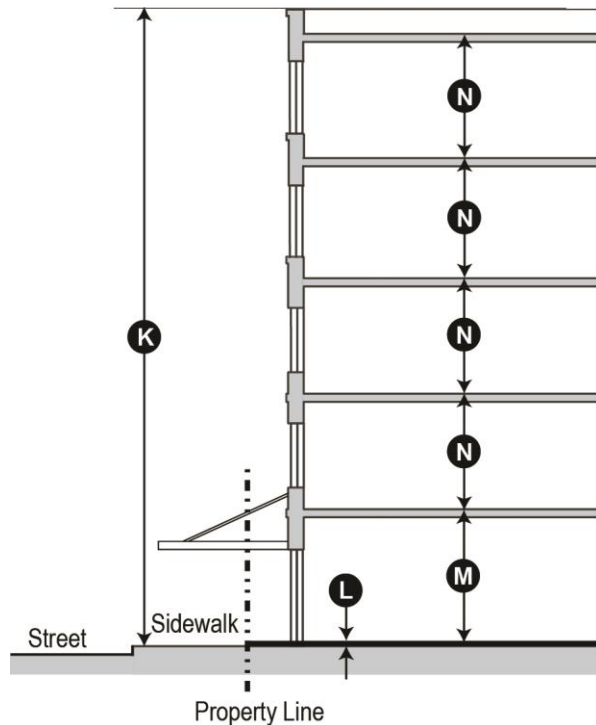
Pedestrian-Friendly Frontage / Public Open Space	0' min. setback – 25' max. setback	A / B
General Frontage	10' min. setback – 45' max. setback	C
Side	0' min. setback; no max. setback	D
Rear	0' min. setback; no max. setback	E

(ii) Building Frontage

Pedestrian-Friendly Frontage / Public Open Space Frontage	70% min.	F / G
General Frontage	60% min.	H

COMMERCIAL MIXED USE (COM)

(c) Building Height



(i) Principal Building Standards

Building height	5 stories maximum by right	K
	Additional floor per Allowable Adjustments (Subsection 2)	
	Transition requirement if adjacent to detached single-family zoned residential (Subsection 4.2 (e))	

First floor to ceiling height (fin. floor to structure of ceiling)	12' min. for all frontages	M
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Ground floor finish level	Maximum 12" rise for commercial ground floor.	L
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Upper floor(s) height (fin. floor to structure of ceiling)	9' min.	N
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(ii) Accessory Building Standards

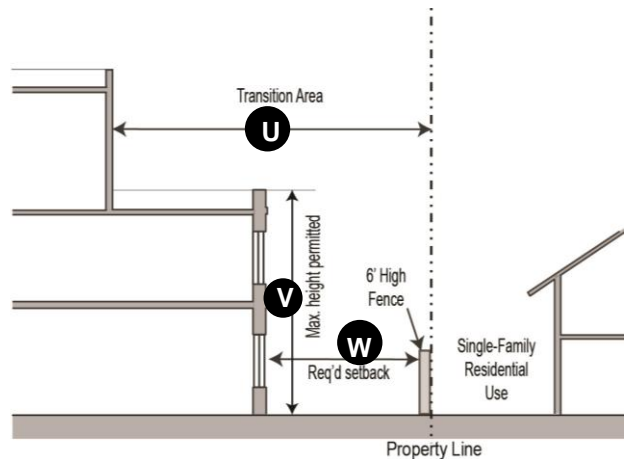
Accessory buildings shall meet the standards for Principal Building standards in the Commercial Mixed Use Zone.

(d) Residential Transition Standards

The following transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to any existing single-family detached residentially zoned lots. This requirement shall NOT apply if an alley or other similar R-O-W separates the subject lot and the existing single-family detached residential lot.

i. Transition Area	30 feet min.	U
ii. Max. Building Height at/within Transition Area	35 feet max.	V
iii. Required setback	10 feet min.	W

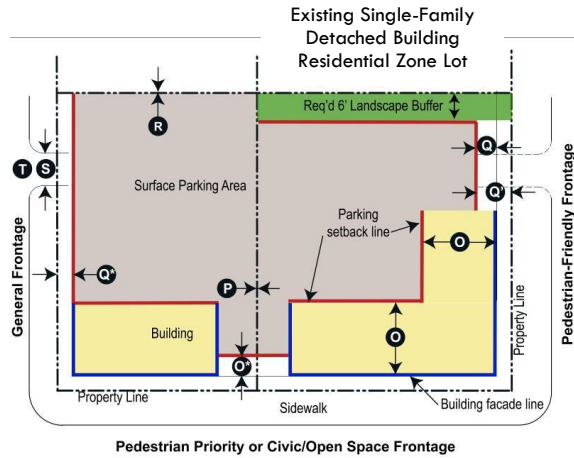
A Residential Transition Area fence (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single-family detached residentially zoned lot and shall be optional for all other adjacencies. The required fence shall be constructed of masonry or block. A 6-foot wide landscape buffer with evergreen shrubs planted at 3' on center and 6' min. in height at maturity shall also be required to be planted within the landscape buffer parallel to any single-family residential lot line. (see surface parking setbacks illustration; Subsection 4.3 (e) i)



COMMERCIAL MIXED USE (COM)

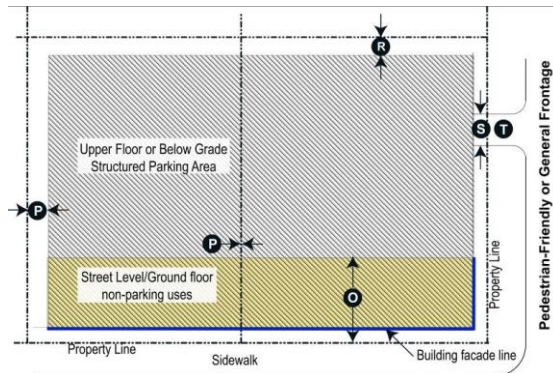
(e) Parking & Service Access

(i) Surface Parking Setbacks



Pedestrian Priority or Civic/Open Space Frontage	<ul style="list-style-type: none"> Shall be located behind the principal building along that street frontage; or Min. 3' behind the building façade line along that street 	O O*
Pedestrian-Friendly Frontage	<ul style="list-style-type: none"> Min. 3' behind the building façade line along that street or Min. 6' behind the property line along that street (if no buildings along the street frontage) 	Q Q'
General Frontage	<ul style="list-style-type: none"> Min. 3' behind the property line along that street 	Q*
Side	<ul style="list-style-type: none"> 6' (min) only if adjacent to any single-family detached residential zoned lot; 0' for all other adjacencies 	P
Rear	<ul style="list-style-type: none"> 6' (min) only if adjacent to any single-family detached residentially zoned lot; 0' for all other adjacencies 	R

(ii) Structured Parking or Below Grade Parking Setbacks



Standards for **S** and **T** in the illustrations above are referenced in standards for Driveways, Alleys and Service Access in Subsection 4.1 (c) iii.

Pedestrian Priority / Civic/Open Space Frontage	<ul style="list-style-type: none"> Ground floor - Shall be min. of 30' from the property line Upper Floors – may be built to the façade line along that street 	O
Pedestrian-Friendly Frontage or General Frontage	<ul style="list-style-type: none"> May be built up to the building façade line along that street; or If no building is located along the street frontage; then the structured parking shall meet the setback standards along that specific frontage. 	
Side	<ul style="list-style-type: none"> 10' (adjacent to any single-family detached residential zoned lots) 0' (all other adjacencies) 	P
Rear	<ul style="list-style-type: none"> 10' (adjacent to any single-family detached residential zoned lots) 0' (all other adjacencies) 	R

(iii) Partially Below Grade Parking

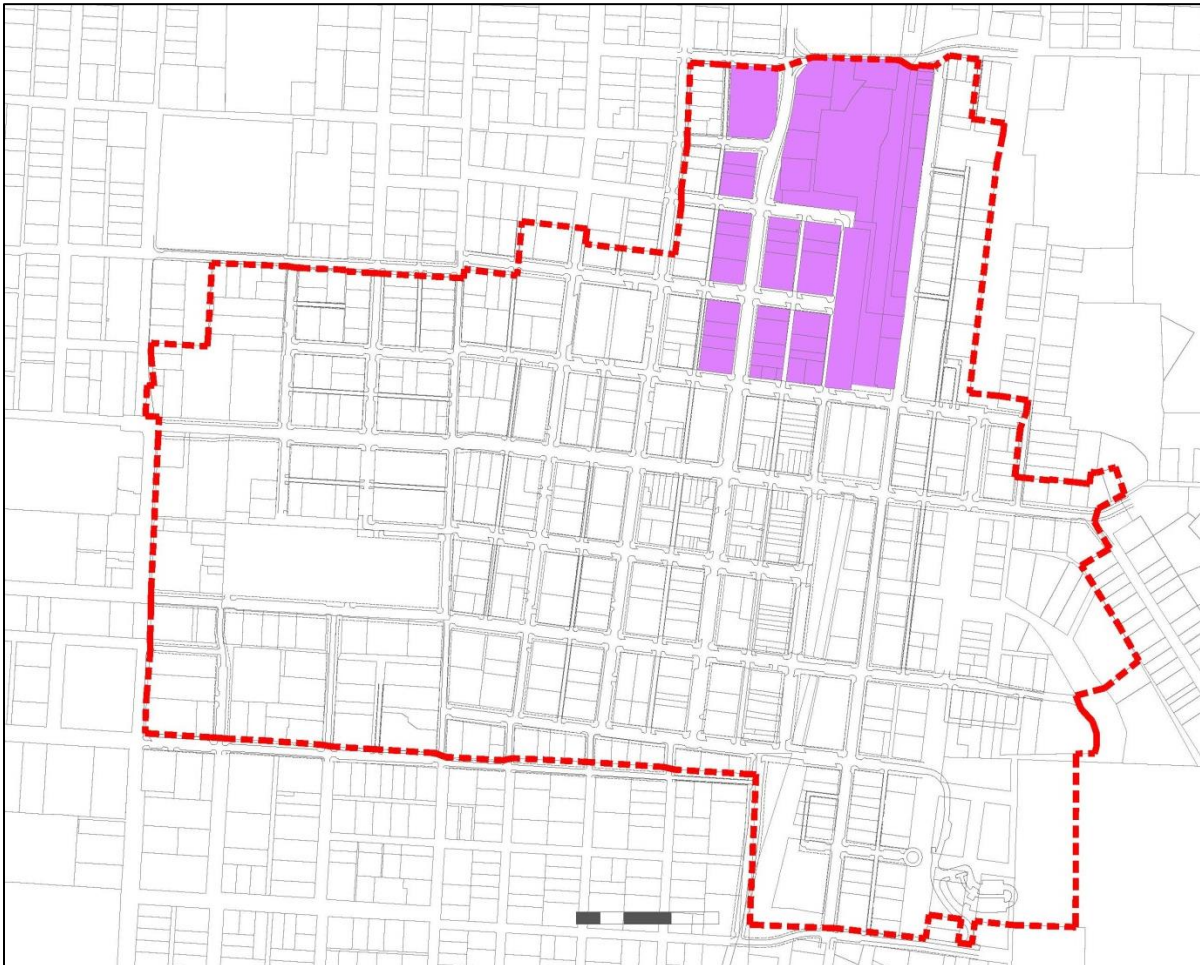
May be built up to the Building Façade Line along all Pedestrian-Friendly Frontages and General Frontages.

4.4 Industrial Arts (IA)

c) Illustrations and Intent

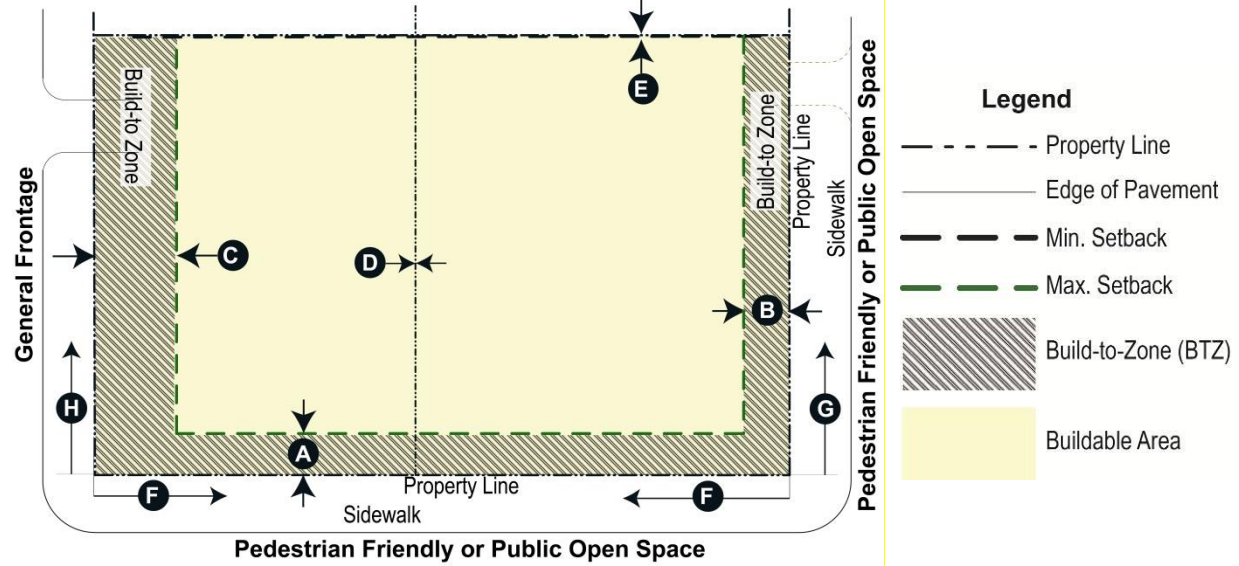
The purpose of the Industrial Arts Zone is to focus on the goal to establish local artisanal manufacturing, light industrial and businesses close to Downtown. These developments will take advantage of being accessible to rail, trails and Arkansas Street. The intent is to mix manufacturing, residential, and retail in a walkable yet flexible format.

Development Standards within this DRDC zone specifically address the unique aspects of redevelopment in this area by introducing a new development pattern while allowing higher quality, pedestrian-oriented development to occur. In addition, the standards allow phasing of redevelopment and emphasized connectivity to Downtown Rogers.



INDUSTRIAL ARTS (IA)

(b) Building Placement



(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)

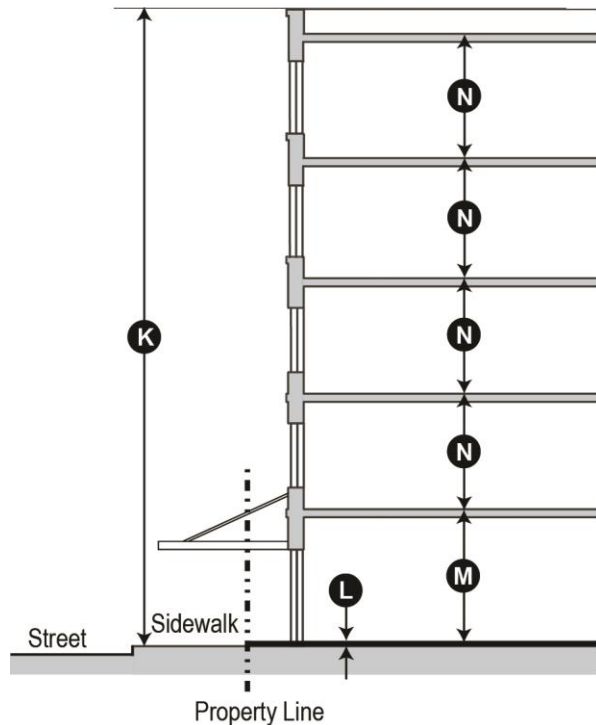
Pedestrian Priority Frontage /Open Space (BTZ)	0' min. setback – 15' max. setback	A
Pedestrian-Friendly Frontage (BTZ)	0' min. setback – 25' max. setback	B
General Frontage	0' min. setback – 30' max. setback	C
Side	0' min. setback; no max. setback	D
Rear	0' min. setback; no max. setback	E

(ii) Building Frontage

Pedestrian Priority /Open Space Frontage	70% min.	F
Pedestrian-Friendly Frontage	50% min.	G
General Frontage	30% min.	H

INDUSTRIAL ARTS (IA)

(c) Building Height



(i) Principal Building Standards

Building height	5 stories maximum by right	K
	Additional floor per Allowable Adjustments (Subsection 2)	
	Transition requirement if adjacent to detached single-family zoned residential (Subsection 4.2 (e))	

First floor to ceiling height (fin. floor to structure of ceiling)	12' min. for all frontages	M
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Ground floor finish level	Maximum 12" rise for commercial ground floor.	L
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Upper floor(s) height (fin. floor to structure of ceiling)	9' min.	N
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(ii) Accessory Building Standards

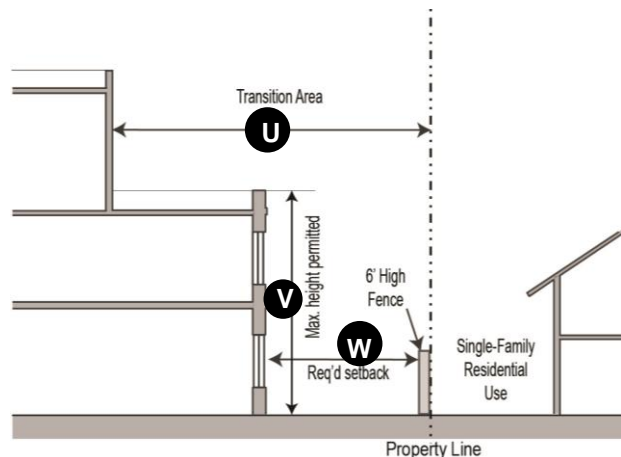
Accessory buildings shall meet the standards for Principal Building standards in the Industrial Arts Zone.

(d) Residential Transition Standards

The following transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to any existing single-family detached residentially zoned lots. This requirement shall NOT apply if an alley or other similar R-O-W separates the subject lot and the existing single-family detached residential lot.

i.	Transition Area	30 feet min.	U
ii.	Max. Building Height at/within Transition Area	35 feet max.	V
iii.	Required setback	10 feet min.	W

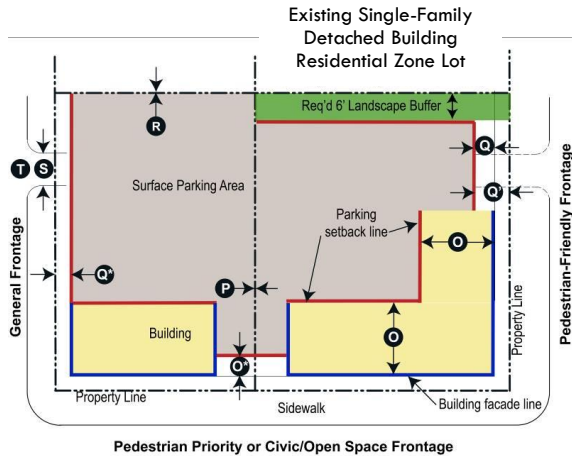
A Residential Transition Area fence (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single-family detached residentially zoned lot and shall be optional for all other adjacencies. The required fence shall be constructed of masonry or block. A 6-foot wide landscape buffer with evergreen shrubs planted at 3' on center and 6' min. in height at maturity shall also be required to be planted within the landscape buffer parallel to any single-family residential lot line. (see surface parking setbacks illustration; Subsection 4.4 (e) i)



INDUSTRIAL ARTS (IA)

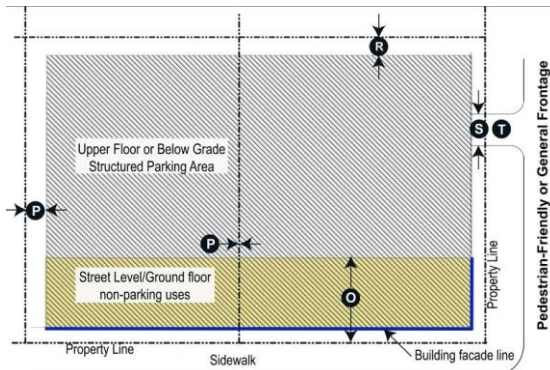
(e) Parking & Service Access

(i) Surface Parking Setbacks



Pedestrian Priority or Civic/Open Space Frontage	<ul style="list-style-type: none"> Shall be located behind the principal building along that street frontage; or Min. 3' behind the building façade line along that street 	O O*
Pedestrian-Friendly Frontage	<ul style="list-style-type: none"> Min. 3' behind the building façade line along that street or Min. 6' behind the property line along that street (if no buildings along the street frontage) 	Q Q'
General Frontage	<ul style="list-style-type: none"> Min. 3' behind the property line along that street 	Q*
Side	<ul style="list-style-type: none"> 6' (min) only if adjacent to any single-family detached residential zoned lot; 0' for all other adjacencies 	P
Rear	<ul style="list-style-type: none"> 6' (min) only if adjacent to any single-family detached residentially zoned lot; 0' for all other adjacencies 	R

(ii) Structured Parking or Below Grade Parking Setbacks



Standards for **S** and **T** in the illustrations above are referenced in standards for Driveways, Alleys and Service Access in Subsection 4.1 (c) iii.

Pedestrian Priority / Civic/Open Space Frontage	<ul style="list-style-type: none"> Ground floor - Shall be min. of 30' from the property line Upper Floors – may be built to the façade line along that street 	O
Pedestrian-Friendly Frontage or General Frontage	<ul style="list-style-type: none"> May be built up to the building façade line along that street; or If no building is located along the street frontage; then the structured parking shall meet the setback standards along that specific frontage. 	
Side	<ul style="list-style-type: none"> 10' (adjacent to any single-family detached residential zoned lots) 0' (all other adjacencies) 	P
Rear	<ul style="list-style-type: none"> 10' (adjacent to any single-family detached residential zoned lots) 0' (all other adjacencies) 	R

(iii) Partially Below Grade Parking

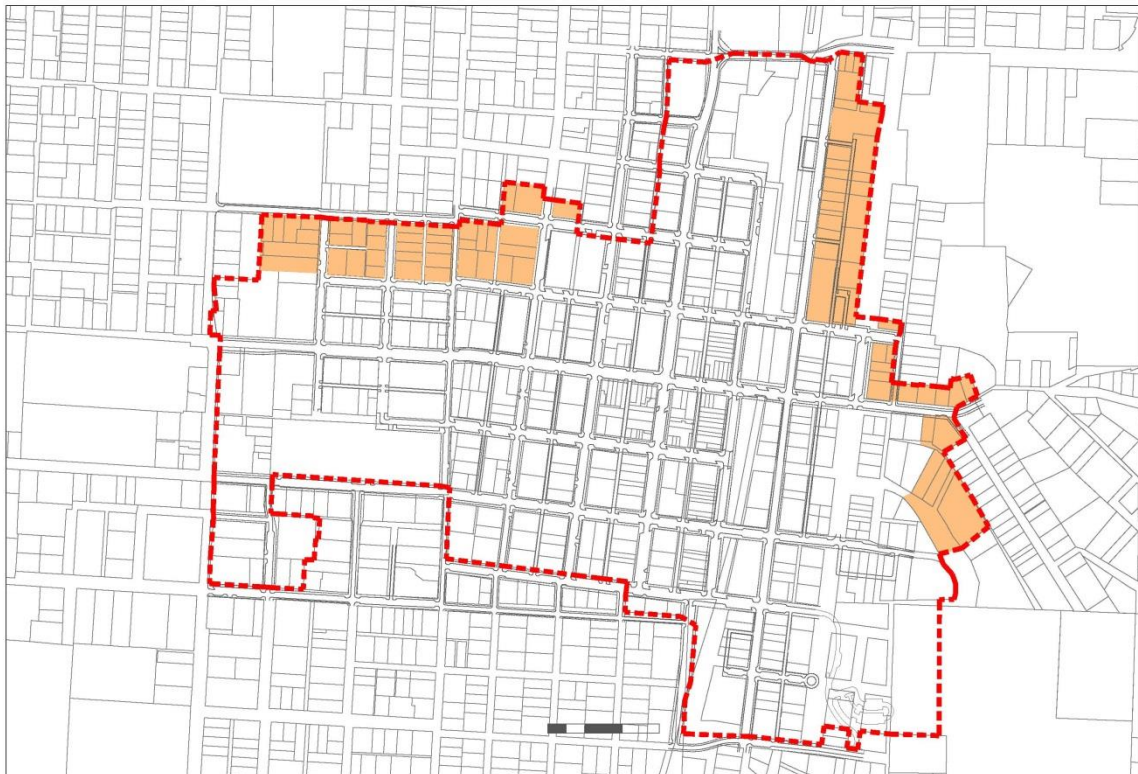
May be built up to the Building Façade Line along all Pedestrian-Friendly Frontages and General Frontages.

4.5 Neighborhood Transition (NBT)

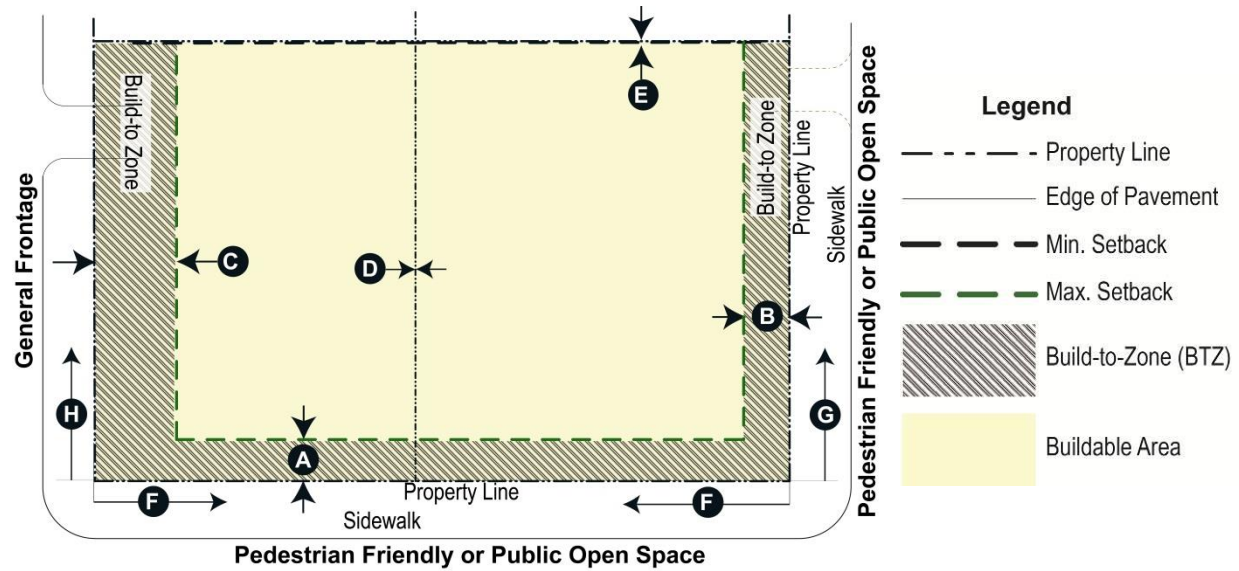
d) Illustrations and Intent

The purpose of the Neighborhood Transition Zone is to support appropriate transition between existing residential neighborhoods and open space and the more active commercial and urban residential areas. The intent is to support the character of the neighborhoods around downtown.

Development Standards within this DRDC zone specifically address the unique aspects of redevelopment in this area by retaining the existing development pattern while allowing higher density, pedestrian-oriented development to occur. In addition, the standards allow phasing of redevelopment and encourage the use of existing buildings and parking lots to the extent possible.

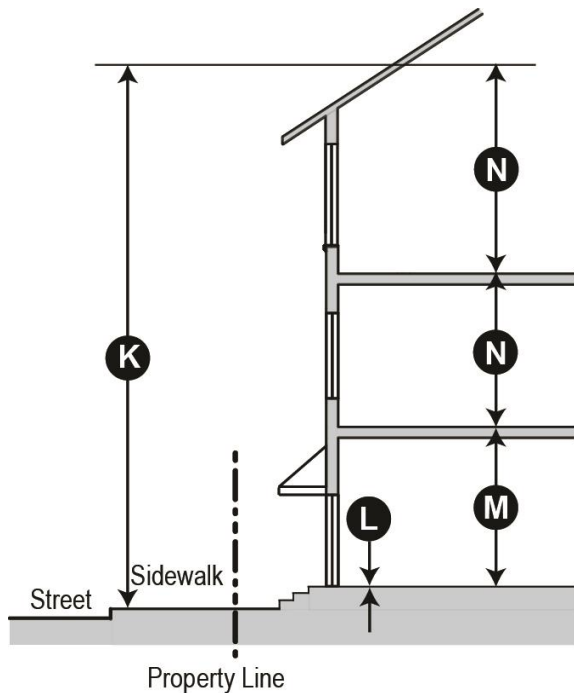


(b) Building Placement



(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)		
Pedestrian-Friendly Frontage / Public Open Space	0' min. setback – 20' max. setback	A / B
General Frontage	0' min. setback – 30' max. setback	C
Side	0' min. setback; no max. setback	D
Rear	See Parking Standards Subsection 4.5 (e)	E
(ii) Building Frontage		
Pedestrian-Friendly Frontage	50% min.	F / G
General Frontage	30%	H

(c) Building Height



(i) Principal Building Standards

Building height	<ul style="list-style-type: none"> 3 stories maximum by right Transition requirement if adjacent to detached single-family zoned residential (Subsection 4.2 (e)) 	K
First floor to ceiling height (fin. floor to structure of ceiling)	<ul style="list-style-type: none"> 12' min. for all frontages 	M
Ground floor finish level	<ul style="list-style-type: none"> Maximum 12" rise for commercial ground floor. 	L
Upper floor(s) height (fin. floor to structure of ceiling)	<ul style="list-style-type: none"> 9' min. 	N

(ii) Accessory Building Standards

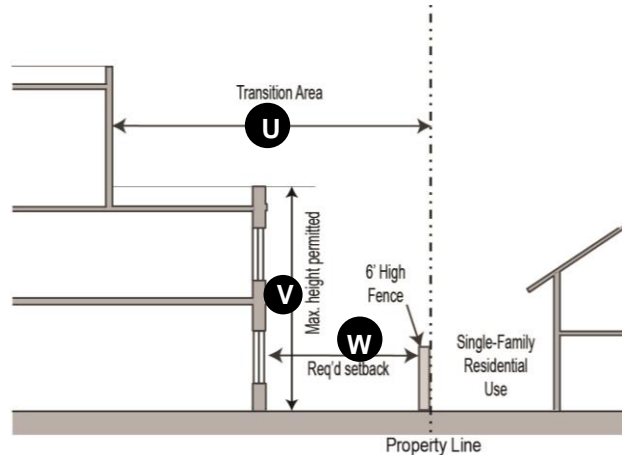
Accessory buildings shall meet the standards for Principal Building standards in the Neighborhood Transition Zone.

(d) Residential Transition Standards

The following transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to any existing single-family detached residentially zoned lots. This requirement shall NOT apply if an alley or other similar R-O-W separates the subject lot and the existing single-family detached residential lot.

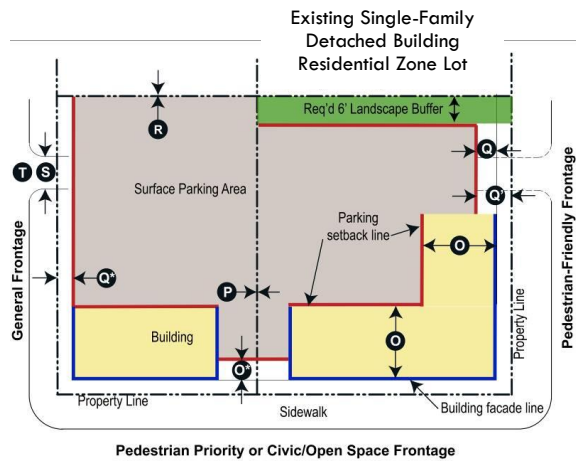
i. Transition Area	30 feet min.	U
ii. Max. Building Height at/within Transition Area	35 feet max.	V
iii. Required setback	10 feet min.	W

A Residential Transition Area fence (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single-family detached residentially zoned lot and shall be optional for all other adjacencies. The required fence shall be constructed of masonry or block. A 6-foot wide landscape buffer with evergreen shrubs planted at 3' on center and 6' min. in height at maturity shall also be required to be planted within the landscape buffer parallel to any single-family residential lot line. (see surface parking setbacks illustration; Subsection 4.5 (e) i)



(e) Parking & Service Access

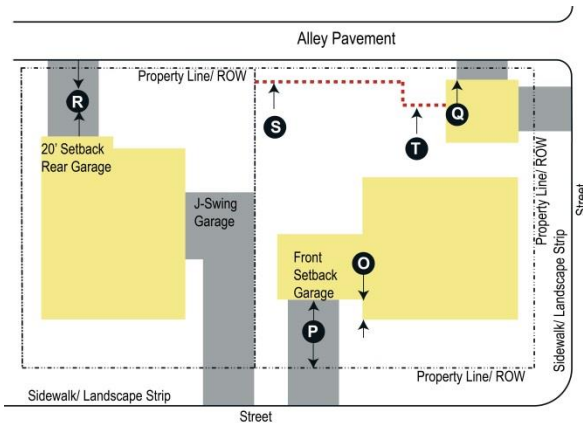
(i) Surface Parking Setbacks for Non-Residential



Standards for **S** and **T** in the illustrations above are referenced in standards for Driveways, Alleys and Service Access in Subsection 4.1 (c) iii.

Pedestrian Priority or Civic/Open Space Frontage	<ul style="list-style-type: none"> Shall be located behind the principal building along that street frontage; or Min. 3' behind the building façade line along that street 	O O*
Pedestrian-Friendly Frontage	<ul style="list-style-type: none"> Min. 3' behind the building façade line along that street or Min. 6' behind the property line along that street (if no buildings along the street frontage) 	Q Q'
General Frontage	<ul style="list-style-type: none"> Min. 3' behind the property line along that street 	Q*
Side	<ul style="list-style-type: none"> 6' (min) only if adjacent to any single-family detached residential zoned lot; 0' for all other adjacencies 	P
Rear	<ul style="list-style-type: none"> 6' (min) only if adjacent to any single-family detached residentially zoned lot; 0' for all other adjacencies 	R

(ii) Single-Family Residential Parking



Public Open Space Frontage	<ul style="list-style-type: none"> Min. 3' behind the building façade line along that frontage; or Shall be located behind the principal building along that street frontage 	O P
General Frontage	<ul style="list-style-type: none"> Min. 6' behind the property line along that street; or At or behind the building façade line along that frontage 	O P
Side / Rear	<ul style="list-style-type: none"> 4' min; no parking permitted on driveway, OR 20' min; parking permitted on driveway On corner lots where alleys are not available or not feasible, rear garages may be entered from the side street. 	Q R
Alley Fence	<ul style="list-style-type: none"> 4' min from edge of typical pavement or 8' min from edge of typical paving where above ground franchise equipment exists 	S T

5.0 Building Design Standards

1.2 Purpose and Intent

The Building Design Standards for the DRDC establish a coherent urban character to encourage an enduring and attractive redevelopment area. Site and/or building plans shall be reviewed by the City Planner for compliance with the standards in this Subsection. Table 5-1 details which elements of this Subsection are reviewed at Site Plan Review and/or Building Permit Review.

Table 5-1: Review Process for Building Design Standards						
Applicable Subsection	5.2 Building Orientation & Entrances	5.3 Façade Composition	5.4 Commercial Ready Standards	5.5 Shading Requirements	5.6 Building Materials	5.7 Design of Parking Structures
Site Plan Review	●		●	●		●
Building Permit Review	●	●	●	●	●	●

The key design principles establish essential goals for the redevelopment within the DRDC area to be consistent with the vision for Downtown Rogers to become a vibrant, walkable city center that serves a range of commercial, civic, educational and residential uses that benefit the neighborhood and the region. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scale spaces. The key design principles are:

- a) New and redeveloped buildings and sites shall utilize building and site elements and details to achieve a pedestrian-oriented public realm with appropriate glazing, shading and shelter;
- b) Design compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity;
- c) Strengthen and celebrate the history of Downtown Rogers;
- d) Building facades shall include appropriate architectural details and ornament to create variety and interest;
- e) Open space(s) shall be incorporated to provide usable public areas integral to the urban environment; and
- f) Increase the quality, variety, adaptability, and sustainability in Rogers' building stock.

1.3 Building Orientation and Entrances

- a) Buildings shall be oriented towards Pedestrian Priority Frontages, where the lot has frontage along Pedestrian Priority Frontages. If a building has no frontage along a Pedestrian Priority Frontage, then it should front a Pedestrian-Friendly Frontage. All other buildings may be oriented towards General Streets or Public Open Spaces.
- b) Primary entrances to buildings shall be located on the street along which the building is oriented (see figure below). At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. Building entrances shall be provided for all separate ground floor commercial use tenant spaces that are located along Pedestrian Priority or Pedestrian-Friendly Frontage.

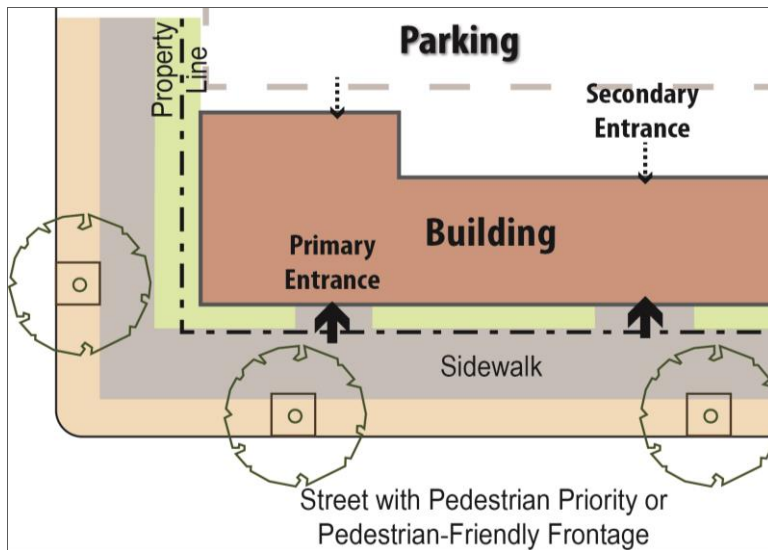


Figure showing required building orientation and location of primary entrances

- c) All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from parking areas or alleys.
- d) Primary Entrance Design: Primary building entrances along Pedestrian Priority and Pedestrian-Friendly Frontages shall consist of at least two (2) of the following design elements so that the main entrance is architecturally prominent and clearly visible from that street, see figures below:
 - i) Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings; or
 - ii) Integral planters or wing walls that incorporate landscape or seating elements; or
 - iii) Prominent three-dimensional, vertical features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets; or
 - iv) A repeating pattern of pilasters projecting from the façade wall by a minimum of eight (8) inches or architectural or decorative columns.



Images showing appropriate transparency required along Pedestrian Priority and Pedestrian-Friendly Frontages

1.4 Façade Composition

a) Commercial, Mixed Use and Multi-Family Use Buildings:

- i) Façades greater than 60 feet in length along all Pedestrian Priority Frontage, Pedestrian-Friendly Frontages and Public Open Spaces shall meet the following façade articulation standards:
 1. Include façade modules so that a portion of the façade steps back or extends forward with a depth of at least 24 inches (see figure below).
 2. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 60 feet (see figure below).
- ii) All other facades shall be articulated by at least one discernable architectural element every 20 feet. Such architectural elements include, but are limited to:
 1. Changes in material, color, and/or texture either horizontally or vertically at intervals not less than 20 feet and not more than 40 feet (see figure below); or
 2. The construction of building entrances, bay windows, display windows, storefronts, arcades, façade relief, panels, balconies, cornices, bases, pilasters or columns.

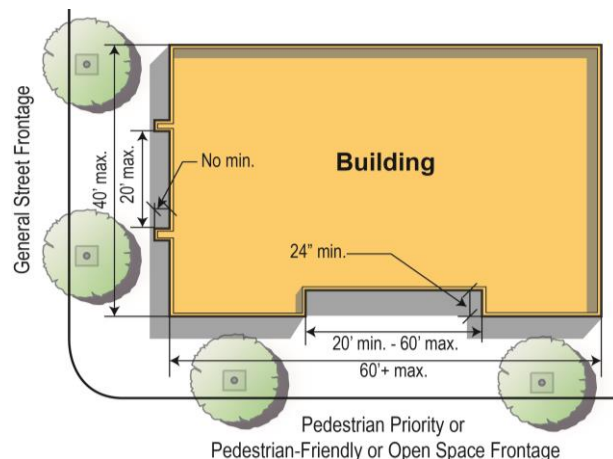


Illustration showing building articulation requirement



Images showing examples of appropriate building articulation

iii) Façade Transparency Required:

1. All facades shall meet the minimum requirement for façade glazing (percentage of glass doors and windows) as established in Table 5-2 below. Glazing for ground floor commercial uses shall be transparent enough for the public to view inside.

Table 5-2: Required Minimum Façade Glazing by Façade Frontage Type			
Façade Frontage Type →	Pedestrian Priority or Pedestrian-Friendly Frontage	Public Open Space Frontage	General Frontage or Other Facades
Commercial Use or Mixed Use Buildings			
Ground Floor	70% minimum	60% minimum	None
Upper Floor(s)	40% minimum	40% minimum	None
Multi-Family Residential Use Buildings			
Ground Floor	40% minimum	40% minimum	None
Upper Floor(s)	20% minimum	20 % minimum	None



Images showing appropriate transparency required along Pedestrian Priority and Pedestrian-Friendly Frontages

b) Single-Family Detached Residential Buildings:

- i) At least one of the following shall be added along single-family residential building facades to add pedestrian interest along the street:
 1. Porches;
 2. Forecourts;
 3. Courtyards;
 4. Stoops;
 5. Eaves; or
 6. Balconies
- ii) If a single-family residential use building is setback less than 10 feet from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk.



Residential buildings with porches, fencing, balconies, and stoops to add interest along the street.

1.5 Commercial-Ready Standards

- a) Ground floors of all buildings with Pedestrian Priority Frontage designation per the DRDC Zoning Map shall be built to Commercial-Ready standards. In addition, the following standards shall apply (see figure below):
- i) An entrance that opens directly onto the sidewalk according to Subsection 5.0;
 - ii) A height of not less than 12 feet measured from the entry level finished floor to the bottom of the structural members of the ceiling;
 - iii) Minimum leasable width of 20 feet;
 - iv) A front façade that meets the window glazing requirements in Subsection 5.0; and
 - v) Off street-surface parking shall be prohibited between the sidewalk and the building.

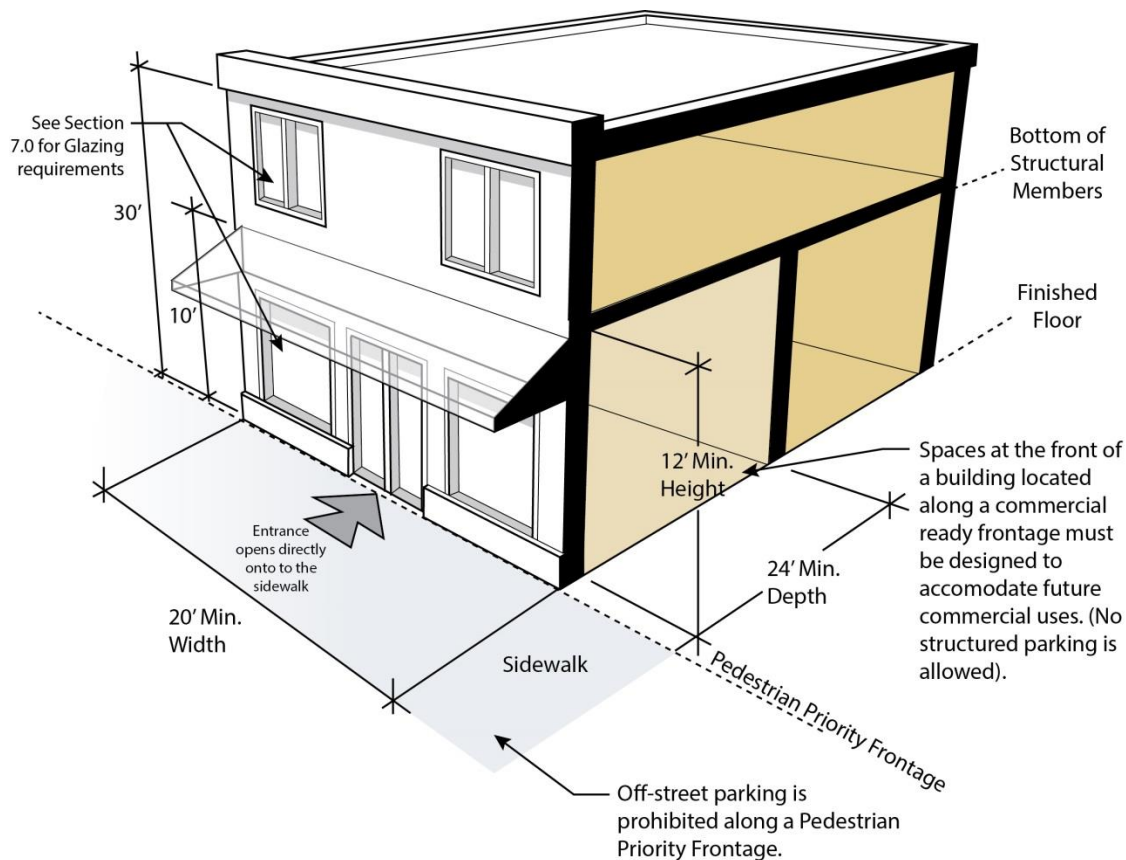


Illustration showing application of Commercial-Ready Frontage Requirements

1.6 Shading Requirement: Shading of public sidewalks, especially, sidewalks located along Pedestrian Priority and Pedestrian-Friendly Frontages is important to implementing the vision for walkable mixed-use along the Corridor. Shading may be achieved through any combination of canopies, awnings, street trees, and other similar devices. To this end, the following standards shall apply (see figures below):

- a) Shaded sidewalk shall be provided alongside at least 50 percent of all building facades with Pedestrian Priority Frontage designation per the DRDC Zoning Map.
- b) A shaded sidewalk must meet the following requirements:
 - i) Along a street, a shaded sidewalk shall comply with the applicable sidewalk standards for its designated street type. If not otherwise required, the shaded sidewalk shall provide trees planted no more than 60 feet on center. Exception can be made for the preservation of existing mature trees that provide shading over the sidewalk.
 - ii) Building entrances along Pedestrian Priority and Pedestrian-Friendly Frontages shall be located under a shade device, such as an awning, portico, or other artificial shade structure, as approved by director.
 - iii) Shading devices shall adhere to Streetscape clearance standards in Subsection 8 (Streetscaping and Landscaping Standards).



Images showing examples of shading along sidewalks

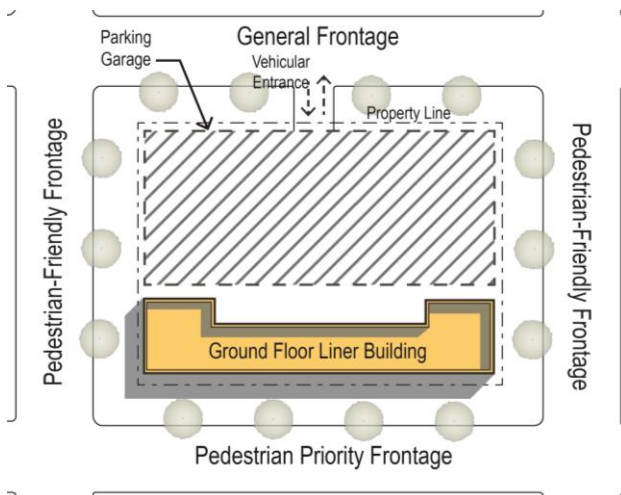
1.7 Exterior Building Materials

- a) Commercial and Mixed Use Buildings:
 - i) At least 70% of each Primary and Secondary street facing façade (not including alleys) of all new buildings (excluding doors and windows) shall be externally finished with:
 - 1. Masonry, including brick, stone, marble, granite, cast stone, or other durable material as approved by the City Planner.
 - 2. Architectural metal may be used in the Industrial Arts Zone.
 - ii) Additions to existing buildings, to the extent possible, shall match the existing external finish materials and corresponding proportions of such building.

- iii) Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the City Planner.
- iv) No more than 30% of each Primary and Secondary street fronting facades (except alleys) shall use accent materials such as:
 1. Wood;
 2. Split-face concrete block;
 3. Tile;
 4. Stucco (3 step application process);
 5. Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty; or
 6. Exterior Insulating Finishing System (EIFS) on upper floors only.
 7. Architectural metal
- b) Residential Use Buildings: At least 70% of all Primary and Secondary street fronting facades (except alleys) of residential buildings shall be finished with one or more of the following materials. No more than three different materials shall be used on any single façade:
 - i) Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty;
 - ii) Lap-sided wood; or
 - iii) Masonry (brick, stone, cast stone, or other durable material as approved by the City Planner).

1.8 Design of Parking Structures

- a) All ground floors of parking garages located on Pedestrian Priority Frontages shall be built to Commercial Ready standards to a minimum depth of 24 feet.
- b) To the extent possible, the amount of Pedestrian Priority Frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) of the parking structure along the Pedestrian Priority edge(s), see figure below.



Allowed Parking Garage Configurations

- c) Where above ground structured parking is located at the perimeter of a building with Pedestrian Priority Frontage, it shall be screened in such a way that cars on all parking levels are completely screened from view (see figures below). Architectural screening shall be used to articulate the façade, hide parked vehicles, and shield lighting. Parking garage ramps shall not be visible from any Pedestrian Priority Frontages. Ramps shall not be located along the exterior perimeter of the parking structure.



Illustrative Examples of Parking Garage Screening

- d) Ground floor façade treatment (building material, windows and architectural detailing) shall be continued to the second floor of a parking structure along all Pedestrian Priority Frontages (see figure below).
- e) When parking structures are located at street intersections, corner emphasizing elements shall be incorporated. These include towers, pedestrian entrances, signage, glazing, etc.
- f) Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible to entering and exiting automobiles. These may include sight distance clearance, signage, and other warning signs.



Images showing appropriate design of Parking Structures

6.0 Street Design Standards

6.1 Purpose and Intent: The vision for Downtown Rogers recognizes the importance of providing adequate public infrastructure, which includes an ultimate street network of multi-modal streets, and other needed infrastructure to serve the vision for redevelopment within the DRDC area.

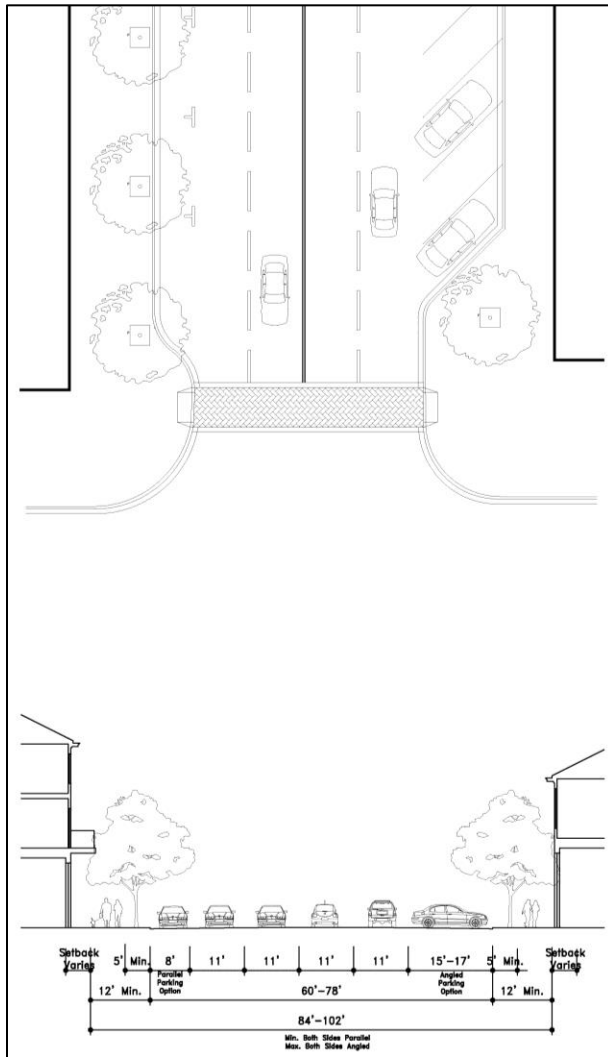
Street design and connectivity is envisioned to support and balance automobile, bicycle, and walking trips in addition to becoming the “civic” space for development. The civic nature of streets will not only serve private redevelopment, but the community at large and the people who live in and use it. This Subsection establishes Context Sensitive Solutions for street design and connectivity and is intended to complement the City of Rogers Complete Streets Plan.

6.2 Street Designation Classification: In order to service multiple modes of transportation within an appropriate redevelopment context, streets within the DRDC area are designated by its classification. The Street Classification designation establishes standards for the actual cross section of the street. The Street Classification includes information on automobile, bicycle, pedestrian, and parking accommodation. It typically addresses the space allocation within the public right-of-way and its emphasis towards different modes of transportation. Table 6-1 identifies the Street Classification designations within the DRDC area and provides cross sections for the different Street Classifications.

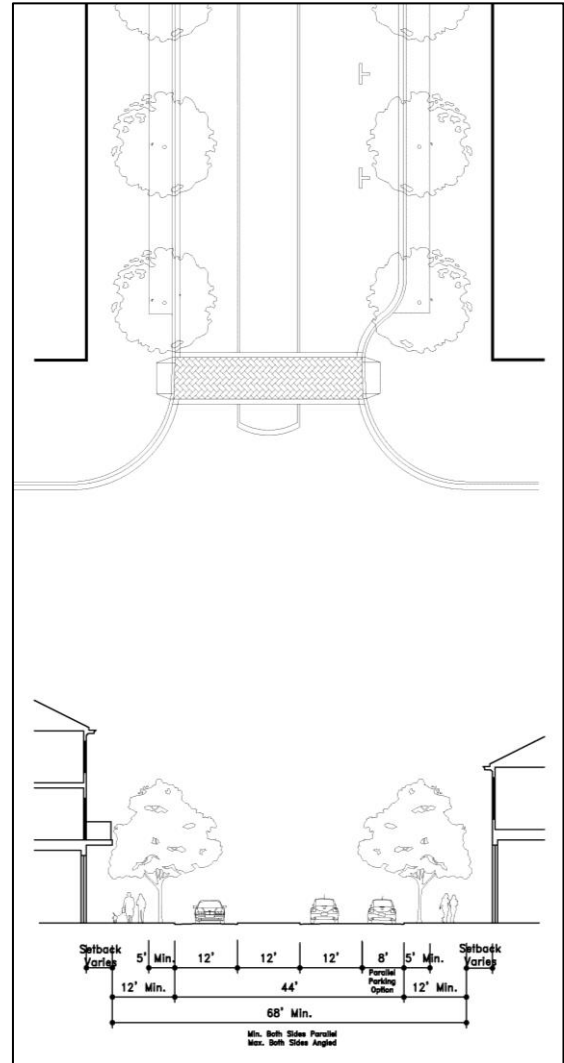
6.3 Street Standards: Table 6-1 and associated cross sections shall establish standards for all elements within the public right-of-way including travel lanes, on street parking, bicycle accommodation, streetscape, street landscape, and sidewalks. The standards in the City’s Subdivision Ordinance shall apply to the extent that they do not conflict with the standards in this Subsection and the vision for Downtown Rogers.

Table 6-1: Street Classification Table				
Standards	Minimum Streetscape Zone	Minimum Furnishing Zone	Street Trees Required?	Recommended Development Frontage
Street Classification				
Walnut Street	12 feet	5 feet	Yes (COM only)	Pedestrian Priority, Pedestrian-Friendly and General
Poplar Street	12 feet	5 feet	Yes	Pedestrian-Friendly and General
Arkansas Street	12 feet	5 feet	Yes	Pedestrian-Friendly and General
Mixed Use Street Along Public Space	10 feet	3 feet	No	Pedestrian Priority
Mixed Use General Street	9 feet	2 feet	No	Pedestrian-Friendly and General
Neighborhood General Street	10 feet	6 feet	No	General
Alley / Mews	N/A	N/A	N/A	N/A

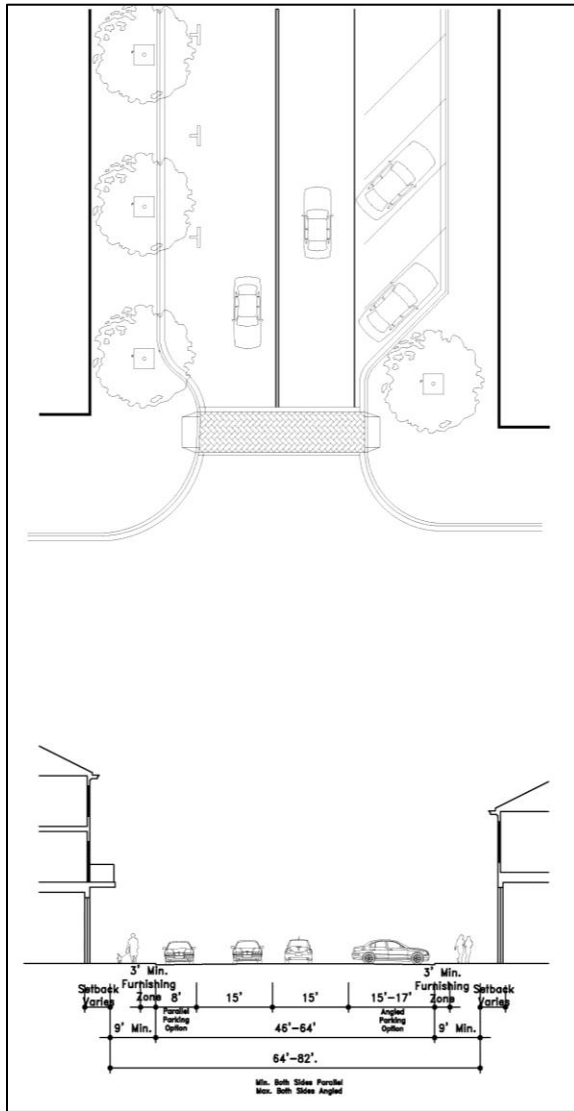
1. Walnut Street



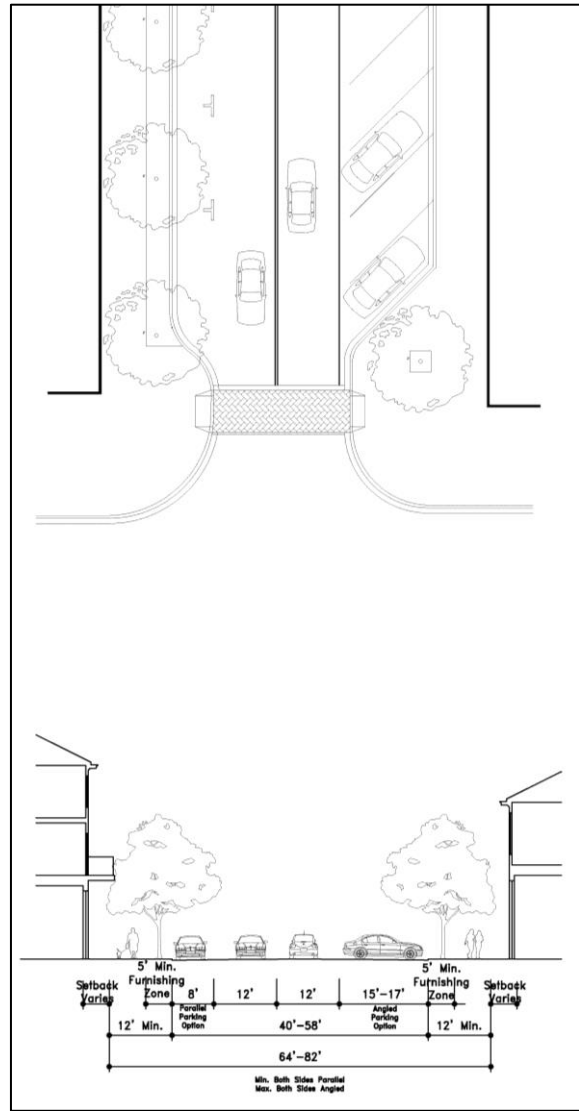
2. Arkansas Street



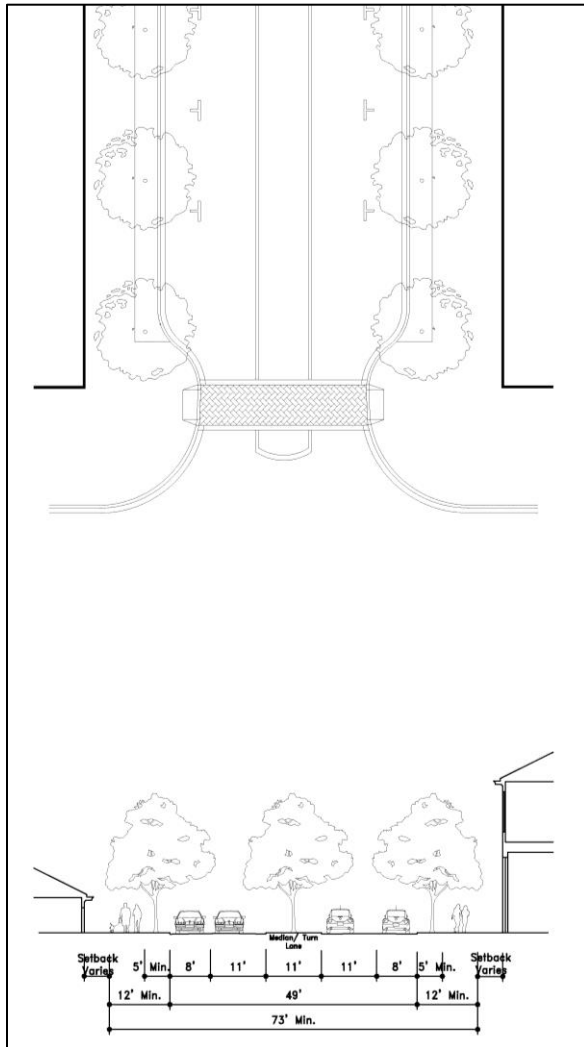
3. Downtown Street



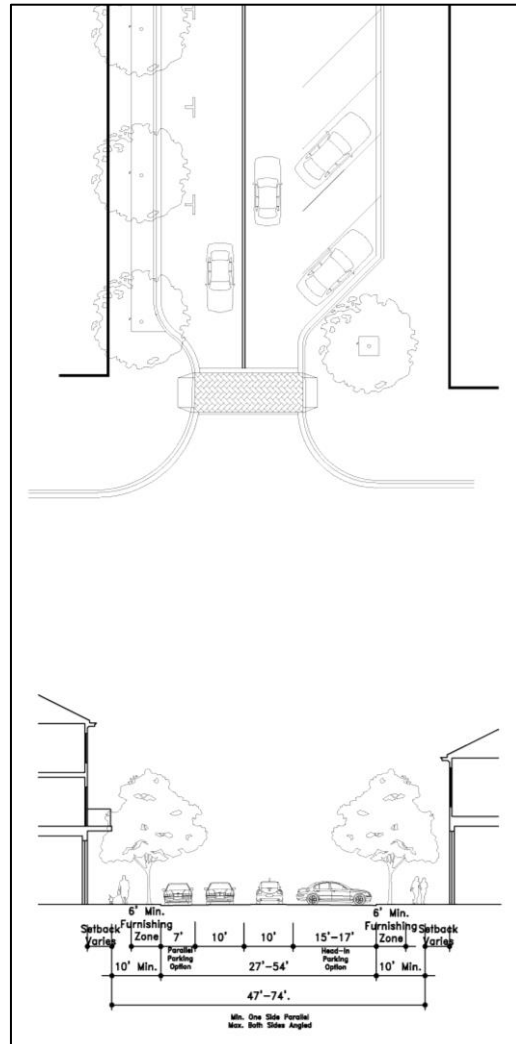
4. Mixed Use Street



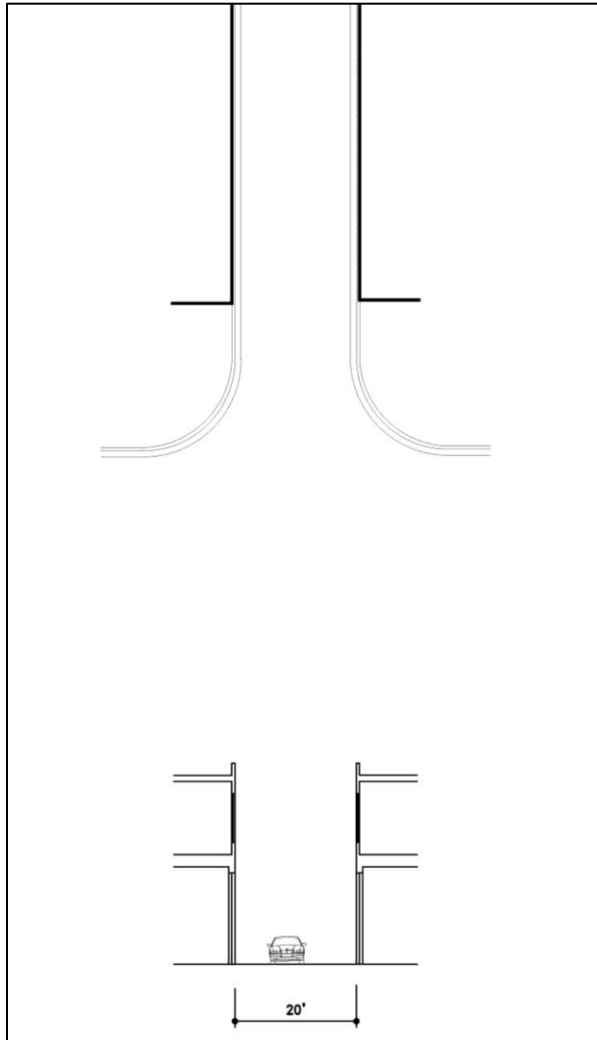
5. Connector Street



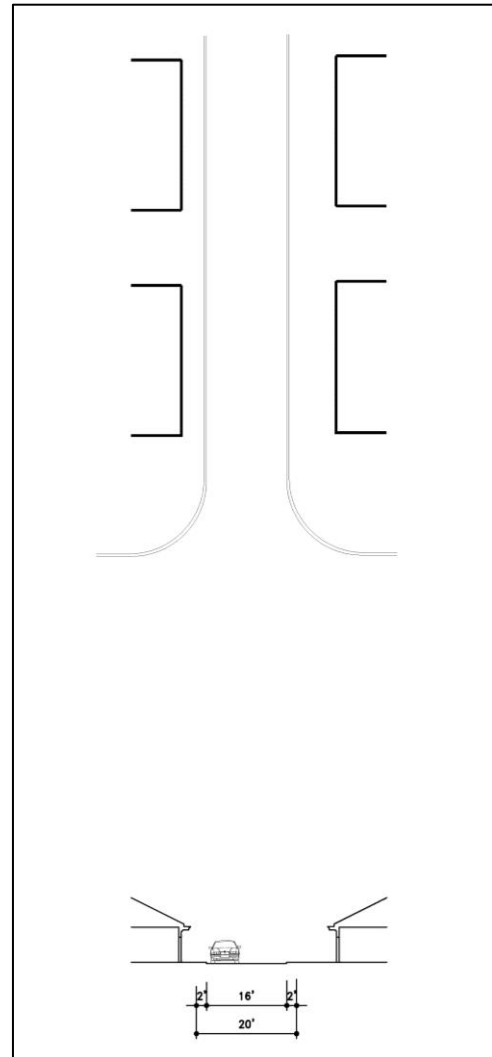
6. Neighborhood Street



7. Commercial Alley



8. Residential Alley



7.0 Open Space Standards

7.1 Purpose and Intent: The illustrative vision for Downtown Rogers recognizes the importance of providing a network of open spaces with passive and active recreation opportunities. The open space network will be serviced by an interconnected network of sidewalks, trails and paths for pedestrians and bicyclists alike, providing desired amenities and facilities for residents and visitors to Downtown Rogers.

Much of the publicly owned and maintained open space already exists in Downtown Rogers, with the Frisco Park in the center of Downtown, connectivity to ancillary public open space is essential for the public open space to be activated in conjunction with redevelopment. Ideal connections through sidewalks, trails and paths are identified in the Downtown Rogers Implementation Plan. The Open Space Standards identifies the variety of public open space types that are available and appropriate in Downtown Rogers and serve as a means to categorize the various public open space types that will be used in the area.

7.2 Open Space Classification: Within the DRDC area, all Open Space shall fall into one of the following classifications:

- a) **Public Open Space:** Open air or unenclosed to semi-unenclosed areas intended for public access and use. These areas range in size and development and serve to complement and connect surrounding land uses and code requirements. Public Open Space may be publicly or privately owned and maintained.
- b) **Private Common Open Space:** Privately owned and maintained outdoor, unenclosed or semi-unenclosed area located on the ground or on a terrace, deck, porch or roof. This open space is designed and accessible for outdoor gathering, recreation and landscaping and is intended for use by the residents, employees, and/or visitors to the development.

7.3 Open Space Requirements

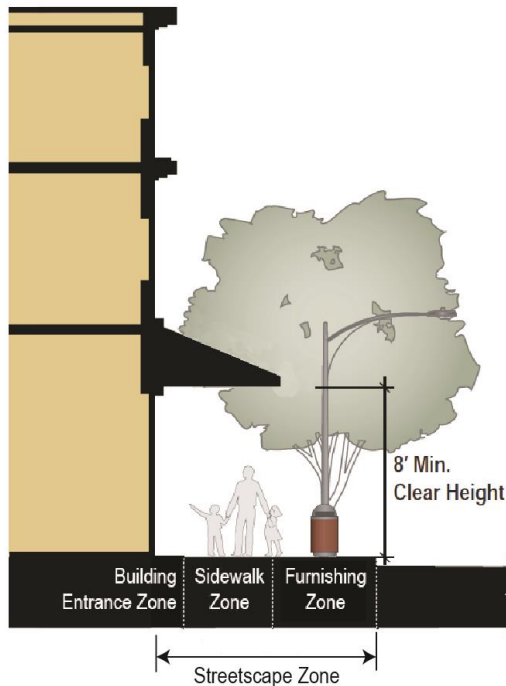
- a) All non-residential development in the Commercial Mixed Use or Civic Mixed Use Zone shall provide four (4) square feet of Public Open Space or Private Common Open Space for every 100 square feet of non-residential space or fraction thereof. This standard shall only apply to all site plans two (2) acres in size or larger.
- b) All residential development in the DRDC area shall meet the Private Common Open Space standards established in this Subsection. Table 7-1 establishes the Private Common Open Space requirement based on the proposed intensity of residential development. Residential projects numbering less than eight (8) dwelling units per acre are not required to provide Private Common Open Space.
- c) Any Public Open Space provided in a development shall identify and program the Public Open Space per the palette of open space types in Attachment 4 of this Subsection.

Table 7-1: Private Common Open Space Requirements	
Residential Density (dwelling units per acre)	Private Common Open Space Standard (area of private common open space per dwelling unit)
0-8 DU/acre	Not required
8-20 DU/acre	Provide a minimum of 160 sf per dwelling unit
20-30 DU/acre	Provide a minimum of 120 sf per dwelling unit
30-40 DU/acre	Provide a minimum of 80 sf per dwelling unit
More than 40 DU/acre	Provide a minimum of 60 sf per dwelling unit

8.0 Streetscape and Landscaping Standards

8.1 Streetscape Zone

- a) Streetscapes are required for all development in the DRDC area and shall meet the standards of this Subsection. All streetscape zones are based on the Street Classification per Table 6-1 (Street Classification Table) and the associated cross sections. The minimum streetscape width may vary depending on available right-of way, but in all instances the minimum sidewalk zone width requirement shall apply. Variations in the streetscape width may be approved by the City Planner with appeals of the planners decision heard by the Board of Adjustments. The Streetscape Zone shall consist of the following, see figures below:
 - i) **Furnishing Zone:** The furnishing zone is intended for the placement of function street items. These items include street trees, street furniture, lighting, waste receptacles, fire equipment, signage, vending boxes, bus shelters, bicycle racks, public utility equipment and other elements that may disrupt pedestrian activity. In residential areas, the furnishing zone may be fully landscaped, whereas in mixed use or commercial areas, the furnishing zone may be fully paved. These items may be placed in a manner that does not obstruct pedestrian access or motorist visibility.
 - ii) **Sidewalk Zone:** The sidewalk zone shall be hardscape and shall be located adjacent to the furnishing zone. The sidewalk zone shall comply with ADA and local accessibility standards and shall be unobstructed by any permanent or non-permanent element for the required minimum width and a minimum height of eight (8) feet. Accessibility is required to connect sidewalk zones on adjacent sites.
 - iii) **Building Entrance Zone:** The building entrance zone is an area adjacent to the building frontage along the sidewalk zone. The building entrance zone shall be a minimum of two (2) feet in width.



Illustrations delineating the Streetscape Zone elements

8.2 Street Trees and Streetscape

- a) Street trees shall be required within the Furnishing Zone.
- b) Street trees shall be centered within the Furnishing Zone and be planted a minimum from two (2) feet from the face of curb.
- c) Spacing shall be an average of 40 to 50 feet on center (measured per block face) but may not exceed 60 feet on center along all streets.
- d) Each tree shall be planted in a planting area or tree well no less than 25 square feet.
- e) The planting area for trees shall be covered with either landscape, groundcover or tree grates.

8.3 Screening Standards

- a) Street Screen Requirement
 - i) Along all Pedestrian Priority and Pedestrian-Friendly Frontages with surface parking within the BTZ shall be defined by a Street Screen. The street screen shall be a minimum of three (3) feet high and not exceed four (4) feet in height (see figure below).

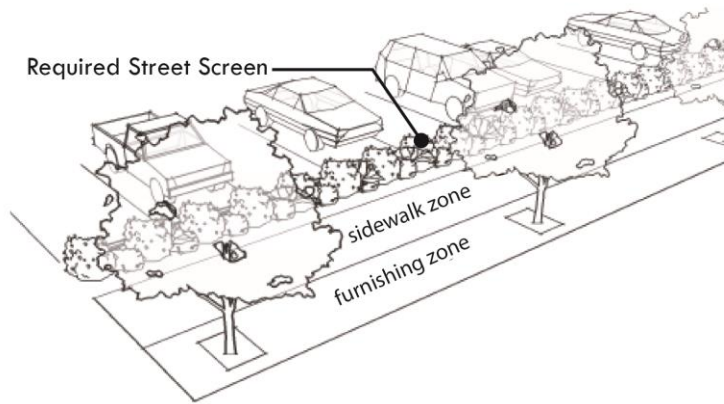


Illustration showing required Street Screen along all frontages without a Building within the BTZ

- ii) Along all streets (except alleys) service areas shall be screened in such a manner that the service area shall not be visible to a person standing on the property line on the far side of the adjoining street (see figure below).
- iii) All roof mounted mechanical equipment (except solar panels) shall be screened from view of a person standing on the property line on the far side of the adjoining street (see figure below).

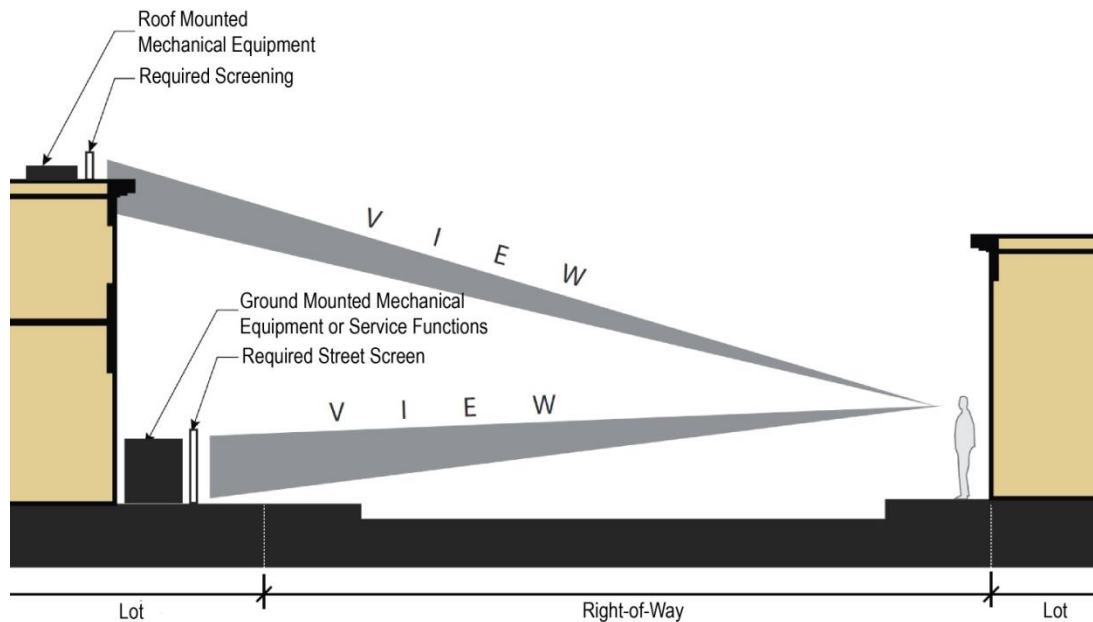


Illustration showing required screening of roof and ground mounted equipment

- iv) Required Street Screens and equipment screening shall be built from one of the following:
 1. The same building material as the principal structure on the lot; or
 2. A vegetative screen composed of shrubs planted to be opaque at maturity; or

3. A combination of two below:
 - a. The required Street Screen shall be located at the minimum setback line along the corresponding frontage.
 - b. Street Screens cannot block any required sight triangles along a cross street or driveway.
 - c. Street Screens may include breaks to provide pedestrian access from any surface parking or service area to the public sidewalk.
4. The screening material used for roof mounted equipment shall be the same as the primary exterior building material used.

8.4 Street Lighting: Pedestrian scaled lighting shall be required along all streets within the DRDC area. The following standards shall apply for pedestrian scale lighting:

- a) Pedestrian oriented lighting shall be no taller than 16 feet.
- b) Street lights along Pedestrian Priority, Pedestrian-Friendly and Public Open Space Frontages shall be placed at an average of 40 to 50 feet on center, placed on average between every street tree. Street lights shall be placed a minimum of two (2) feet behind the face of curb, preferably lined up with street trees.
- c) Street lights along General Frontages shall be placed at an average of 40 to 80 feet on center placed an average between every or every other street tree. Street lights shall be placed a minimum of two (2) feet behind the face of curb, preferably lined up with street trees.
- d) The light standard selected shall be compatible with the design of the street and buildings, but shall be consistent throughout the DRDC area to maintain efficiencies in maintenance.

8.5 Street Furniture

- a) Street Furniture shall be placed within the Furnishing Zone or within the front setback area only. Benches and bike racks shall be placed in alignment with light poles and street trees.
- b) All street furniture shall be located within the Furnishing Zone in such a manner that the Sidewalk Zone not be blocked or obstructed.
- c) Materials selected for street furniture shall be of durable quality and require minimal maintenance.

8.6 Utilities

- a) All new utility lines within private property shall be underground where feasible. The City Planner will have the authority to approve above ground utilities if there are restrictions to underground installation.
- b) Existing overhead utility lines shall be relocated to alleys where feasible.

- c) Where locations on private property must be used for switchgear and transformer pads, such locations shall be either along General Frontages or at the side or rear of the property and screened in accordance with Subsection 8.3.

8.7 Parking Lot Landscaping: Where feasible, the use of permeable materials shall be allowed if approved by the City Planner.

9.0 Definitions

Many terms used in this section have been defined in other sections of the Rogers City Code. If the definition of a term contained in this section conflicts with the definition of the same term contained in a separate section of the Rogers City Code, the definition contained in this section shall apply.

Accessory Unit

A Secondary/ Garage Apartment Building Type is an accessory structure typically located at the rear of a lot. This structure typically provides either a small accessory residential unit or home office space that may be above a garage or at ground level. This Building Type is important for providing affordable housing opportunities within Downtown Rogers.



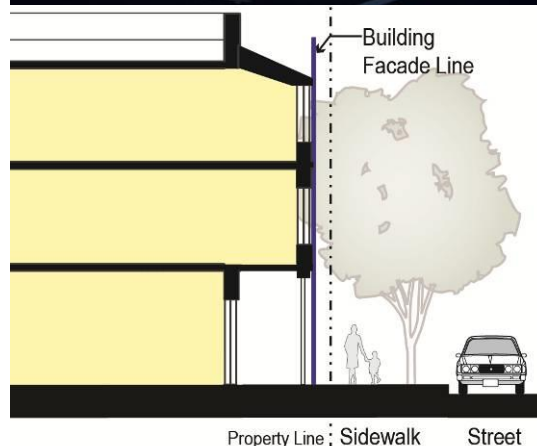
Image of an accessory unit over a garage.

Allowable Adjustment

Means a requested adjustment allowed in the standards per the Allowable Adjustments provision of Subsection 2.3 (Administration and Development Phasing). The City Planner shall have the authority to administratively approve a request for an allowable adjustment.

Arcade or Colonnade

A portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and may be one or two stories. The ground floor area within the arcade may be conditioned or non-conditioned space.



Images of arcade frontages

Build-to Zone (BTZ)

The area between the minimum and maximum front setbacks from the property line. The principal building façade line shall be located within this area.

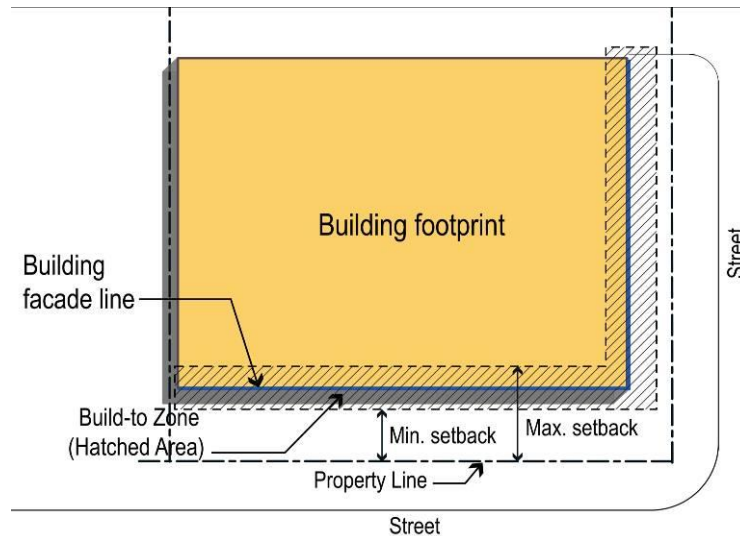


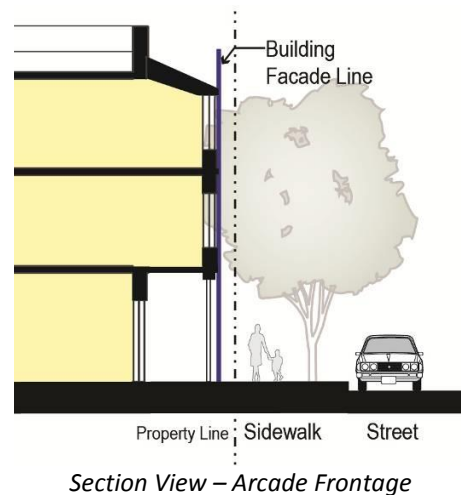
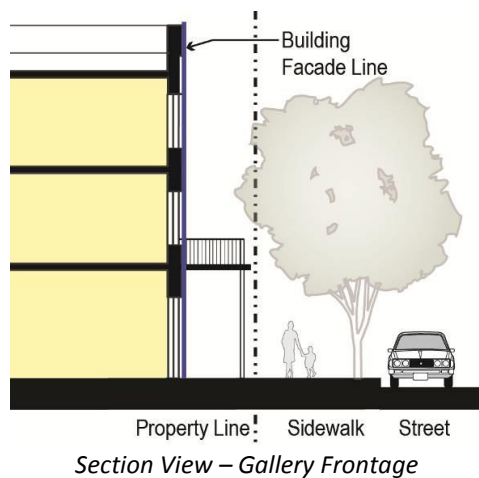
Illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line.

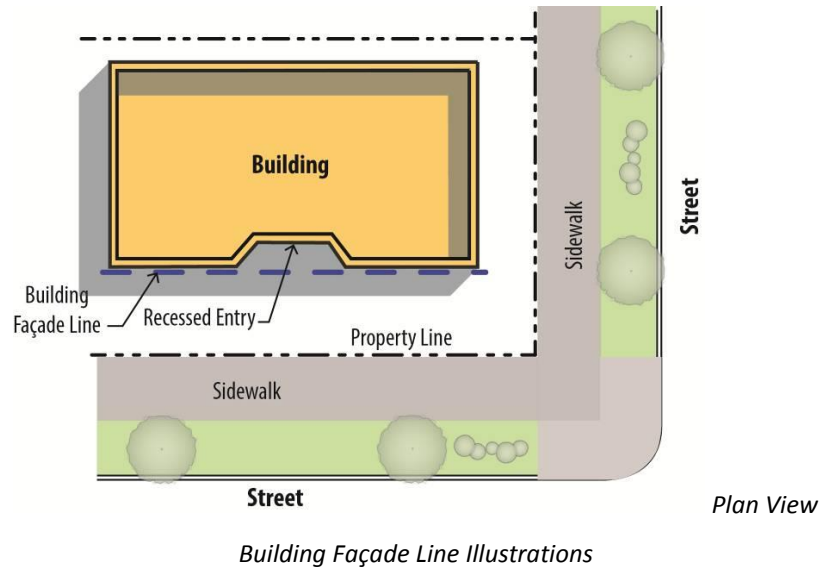
Building Form and Site Development Standards

Standards established for each DRDC Zone including but not limited to building placement, building height, parking, service access, and other functional design standards.

Building Façade Line

The location of the vertical plane of a building along a street frontage.





Building Frontage

The percentage of a building's façade line that is required to be located within the Build-to Zone (BTZ) as a proportion of the lot's width along the fronting public street. Required driveways, stairs to access entrances, parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall count towards the required building frontage.

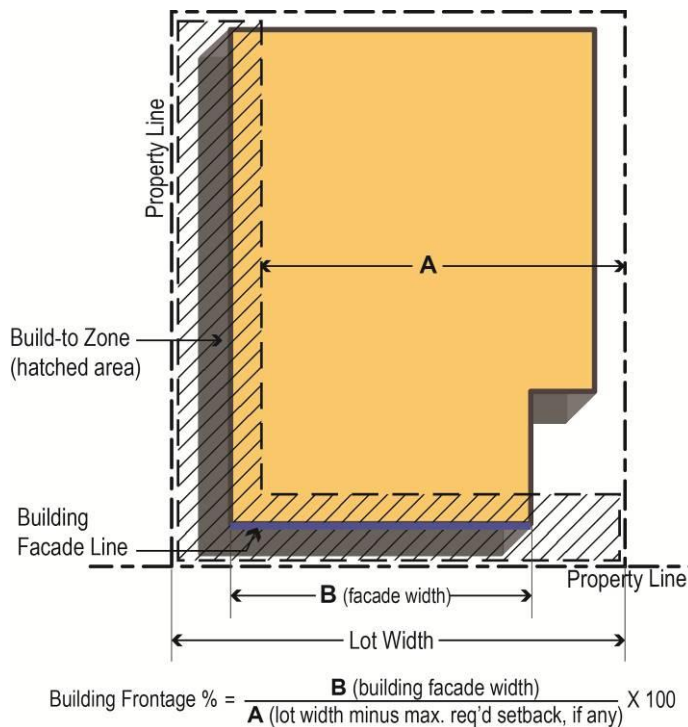


Image showing Building Frontage calculation

Building Step-Back

Building step-back is the setting back of the building façade line away from the street at a specific floor or height.

Commercial Use or Mixed-Use Building

Means a building in which at least the ground floor of the building is built to Commercial Ready standards and any of the floors are occupied by non-residential or residential uses.

Commercial Ready

Means a ground floor space constructed with appropriate building orientation, entrance and window treatment and floor-to-floor height in order to accommodate ground floor retail/commercial uses (including but not limited to commercial, retail, restaurant, entertainment, and lobbies for civic, hotel, or multi-family uses). Standards for Commercial Ready frontage are in Subsection 5.4. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for commercial uses. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Complete Street

Means a street that not only accommodates various modes of transportation such as automobiles, transit, bikes, and pedestrians, but also establishes a design context that is conducive for redevelopment along the street.

Cottage Court

The Cottage Court building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and becomes an important community-enhancing element of this type. This type is appropriately scaled to fit as transitions between single-family neighborhoods and commercial corridors. It enables appropriately-scaled, well-designed infill residential and is important for providing a broad choice of housing types and promoting walkability.



Image of a cottage court.

Cottage

The Cottage building type consists of small, one-story single-family detached residential units that are built close to the street and each other. They are typically sideyard/zero lot line homes with a small yard or patio space. They may also be called patio homes. This type of building enables appropriate infill residential within existing neighborhoods and is important for providing a broad choice of housing types and promoting walkability.



Image of a cottage home.

DRDC Zone

Means an area within the DRDC that is intended to preserve and/or create an urban form that is distinct from other areas within the DRDC Area. DRDC Zones are identified on the Zoning Map.

Duplex

The Duplex is a small- to medium-sized structure that consists of two side-by-side or stacked dwelling units, both facing the street, and within a single building massing. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. It enables appropriately-scaled, well-designed residential infill and is important for providing a broad choice of housing types and promoting walkability.



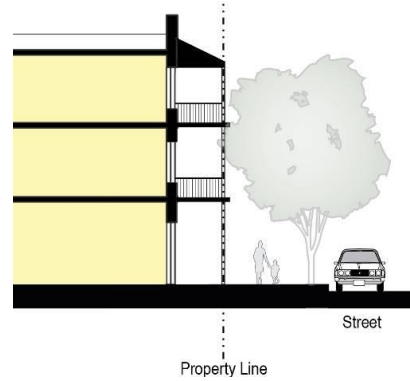
Image of a duplex home type.

Façade Area

Means the surface area of a building's elevation (including all floors) not counting minor indentations fronting a particular street. Ground floor façade area is the surface area of a building's ground floor elevation not counting minor indentations fronting a particular street. Upper floor façade area is the surface area of a building's upper floor elevations not counting minor indentations fronting a particular street.

Gallery

Is a roofed promenade or canopy, especially one extending along the wall of a building and supported by arches or columns on the outer side. The gallery space is an unenclosed (non-conditioned) space and may be two (2) or more stories tall.



Images of Galleries

J-Swing Garage

A home with a driveway that loads from the primary street and swings into the side of the home to enter the garage. Two of these homes side-by-side, should share a driveway or a curb-cut to driveways and have garages facing each other.



Images of a home with a J-Swing Garage from the front and side of home.

Live-Work Unit

Means a dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by the Rogers City Code

in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.



Image of a live-work building type.

Multi-Unit Home

A multi-unit building (2 to 4 units) that is designed to appear as a large home from the exterior, but functions as a multi-unit building on the interior. Multi-Unit Homes have one main front door for the building, but may also have side and rear entries. Parking is accessed from an alley or a driveway to the rear of the lot. Parking does not face a public right-of-way.



Images of Multi-Unit Homes

Numerical Standard

Means any standard that has a numerical limit (minimums and maximums) or value as established within both the text and graphic standards of this Section.

Open Space

Publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc. provided to meet the standards in Subsection 7.0 of this Section. Open space may be privately or publicly owned and/or maintained.

Patio Homes

Single-family detached or attached (duplex) homes of no more than two attached units, each located on a small lot that has at least some private yard space, generally in the back and/or side yards, but also possibly a small front yard. These types of homes may also be called “Villa” or “Zero Lot Line” homes if the homes are located on one of the side property lines.

Parking Setback Line

Means the distance that any surface parking lot is to be set back from either the principal building façade line or property line along any street frontage (depending on the specific standard in the DRDC Zone). Surface parking may be located anywhere behind the parking setback line on the property.

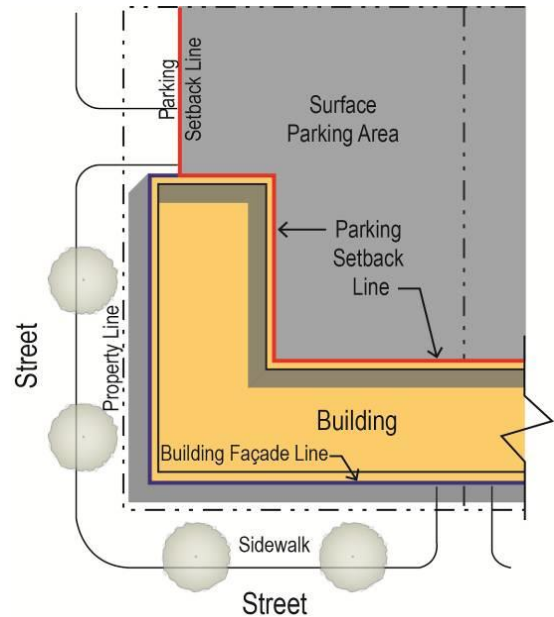


Illustration of a parking setback line

Perimeter Frontage

Means the measurement of a proportion of public street frontage of the total exterior perimeter of a park or open space area.

Primary Entrance

The public entrance located along the front of a building facing a street or sidewalk and provides access from the public sidewalk to the building. It is different from a secondary entrance which may be located at the side or rear of a building providing private controlled access into the building from a sidewalk, parking or service area.

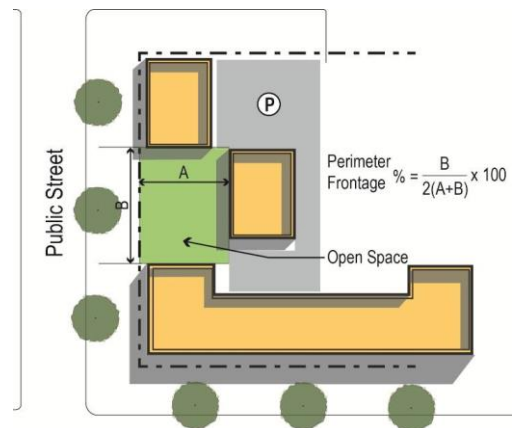


Illustration showing how Perimeter Frontage is calculated for Open Space along a Public Street

Residential Use Building

A building that is built to accommodate only residential uses on all floors of the building, such as a detached single-family home, attached single-family home (i.e. townhome), two-family home (i.e. duplex), mansion home (3 – 4 units), multi-family building (5 or more units; under single ownership or under multiple owners within a condominium regime).

Service-Related Uses

Means all uses that support the principal use on the lot including parking access, garbage/trash collection, utility meters and equipment, loading/unloading areas, and similar uses.

Street Frontage Designation

As identified on the DRDC Zoning Map, existing and recommended streets in the DRDC area are designated as Pedestrian Priority, Pedestrian-Friendly, or General Streets. Each frontage designation establishes a certain development context in order to improve walkability and pedestrian orientation within the DRDC Area.

Street Screen

A freestanding wall, living fence or combination fence built along the frontage line or in line with the building façade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.



Image of a combination masonry and living street screen

Street Wall

Indicates the creation of a “wall” or a sense of enclosure along the street with buildings placed immediately adjacent to the street/sidewalk. A street wall has a “void” if there is a surface parking lot or service area adjacent to the sidewalk/street.

Townhouse/Rowhouse

The Townhouse or Rowhouse is a small- to medium-sized typically attached structure that consists of 2–8 houses placed side-by-side. This type of residential building is typically located in a location that transitions from a primarily single-family neighborhood into a commercial corridor. This type of building enables appropriately-scaled, well-designed residential infill and is important for providing a broad choice of housing types and promoting walkability.



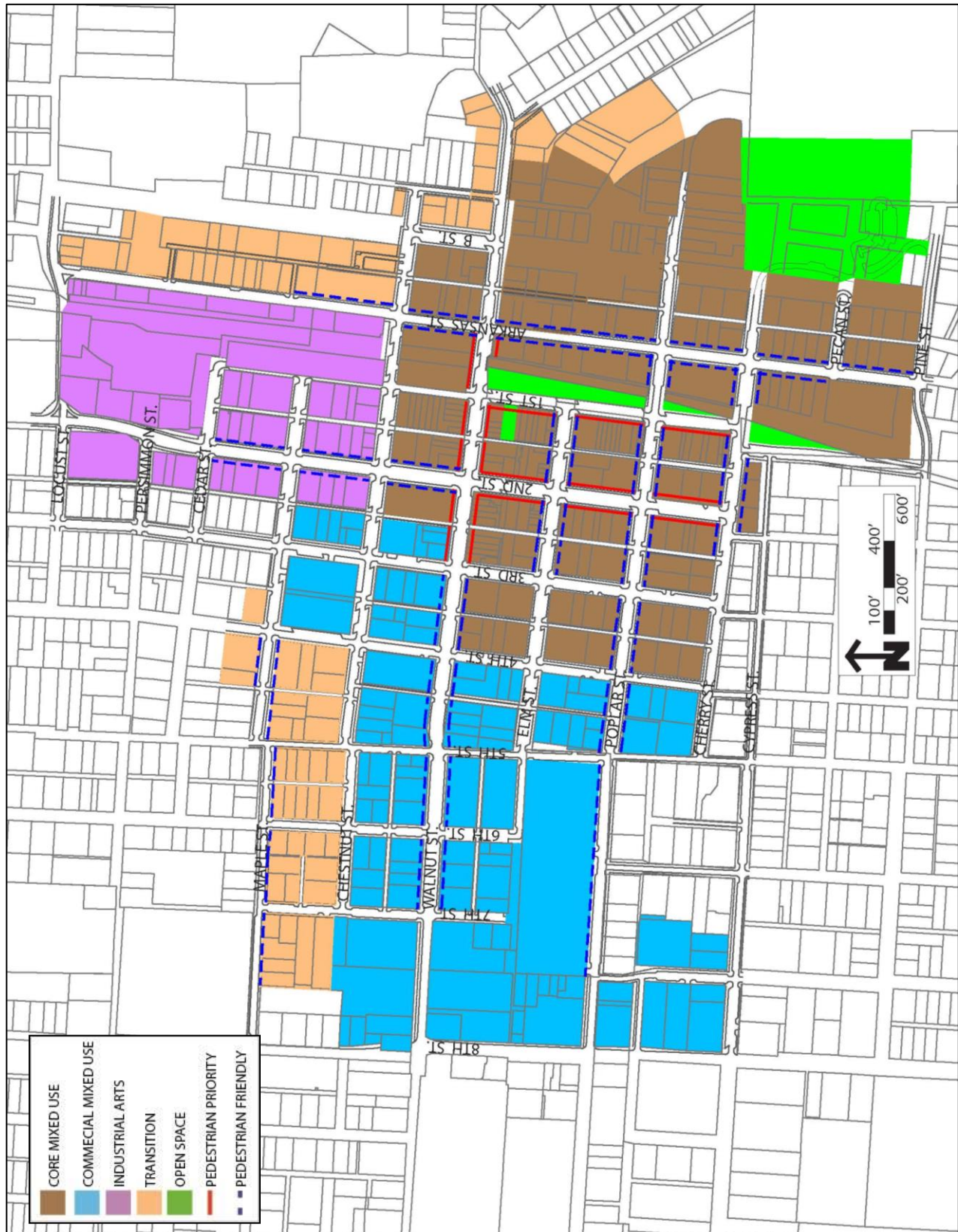
Image of townhomes.

ATTACHMENTS

Table of Attachments

- 1: DRDC Zoning Map
- 2: Illustrative Plan
- 3: Illustrations of Changes to Non-Complying Structures
- 4: Open Space Palette

Attachment 1: DRDC Zoning Map (Included in City Zoning Map)



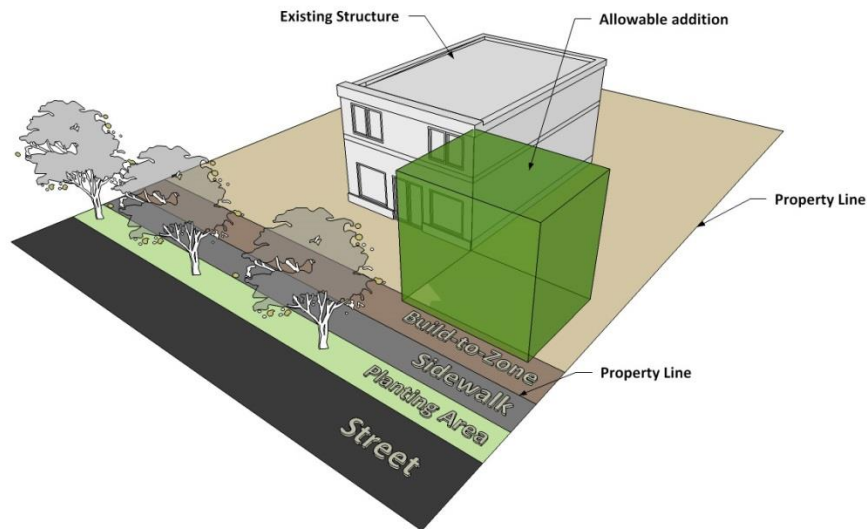
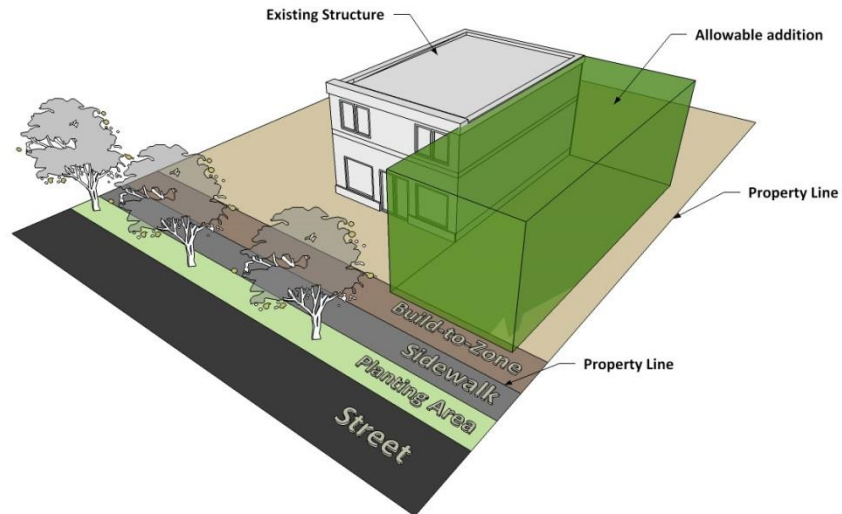
Attachment 2: Downtown Initiative Master Plan

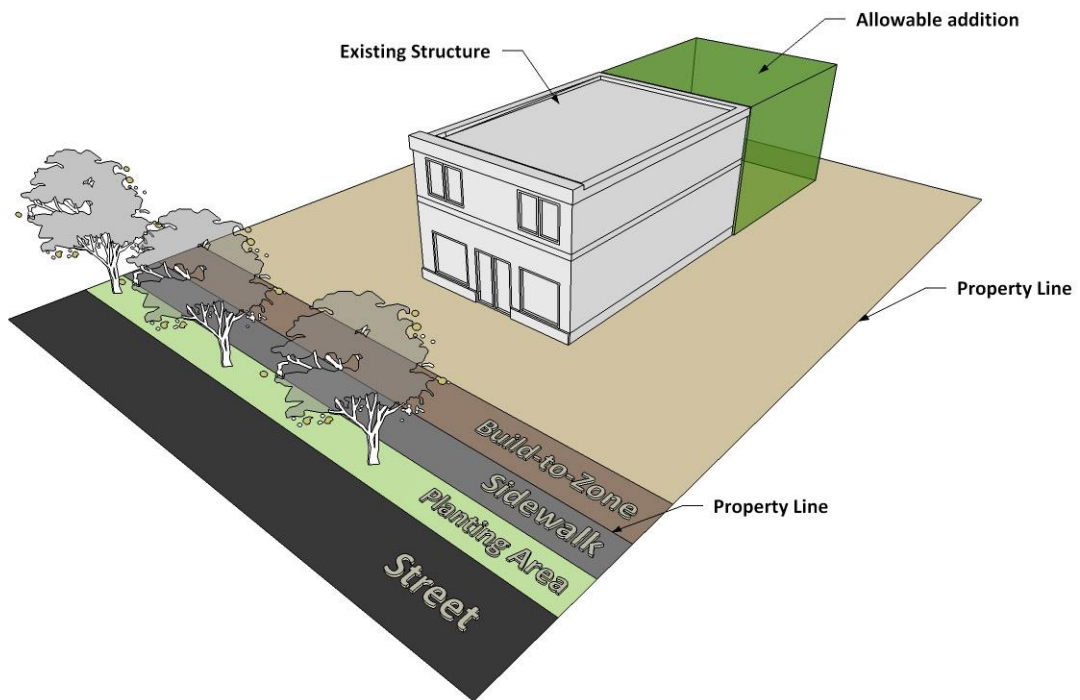
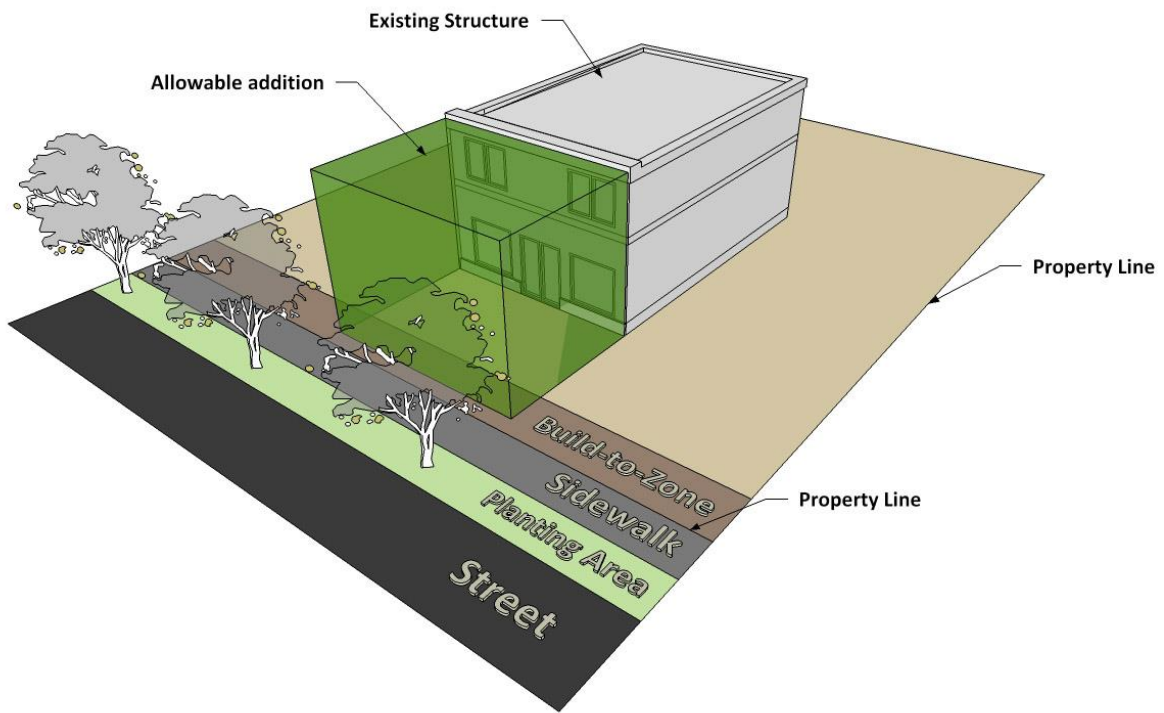


Attachment 3: Illustrations of Changes to Non-Complying Structures

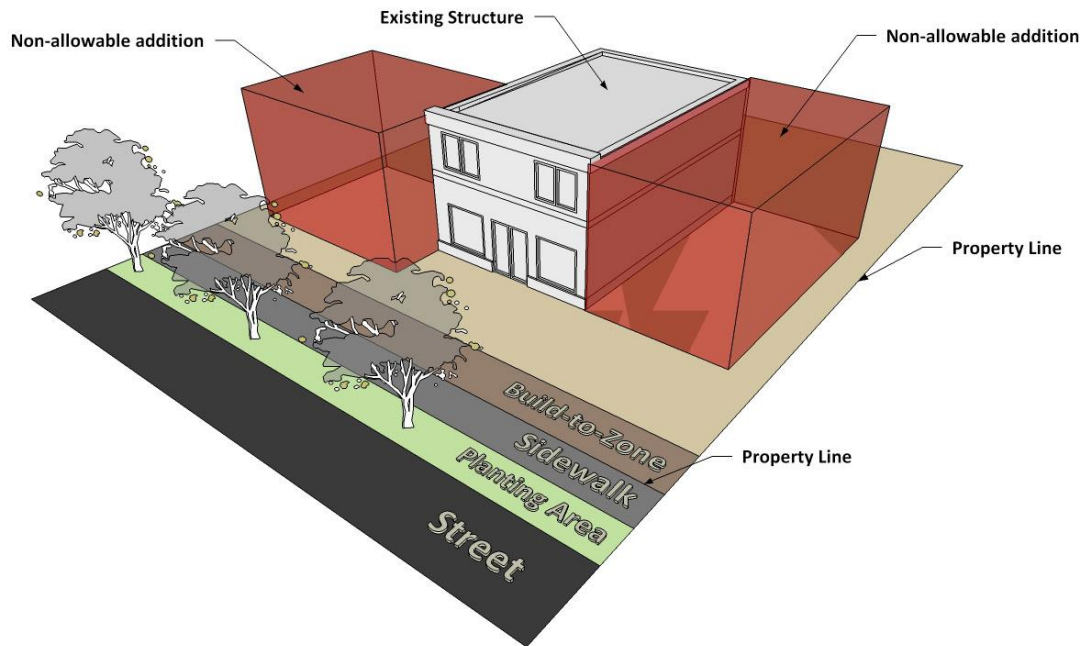
The following illustrations shall provide guidance to property owners on the allowed and prohibited modifications to existing non-complying structures and sites within the DRDC area.

- a) Allowable Additions: The following illustrations show potential allowable additions to non-complying structures and sites. Additions shall meet the build-to-zone standards of the character zone they are located.





- b) Non-Allowable Additions: The following illustration shows potential non-allowable additions to non-complying structures and sites. This is due to the additions not complying with the build-to-zone standards of the DRDC zone.



Attachment 4: Open Space Palette

The Open Space Palette and standards contained herein shall be used as guidelines to fulfill the required and recommended Public Open Space and Private Common Open Space requirements of Subsection 7 of this Section. The following Subsections provide a description of these Open Space types including the design context and criteria consistent with the vision for Downtown Rogers.

1. Public Open Space Standards

a) Pocket Park Standards



Pocket Parks are small scale public urban open spaces intended to provide recreational opportunities where (publicly accessible/park) space is limited. Typically, pocket parks may be placed in any DRDC Zone. They are often located between buildings and developments; on single vacant lots; and on small irregular pieces of land. Low maintenance landscaping and facilities is recommended in order to support multiple pocket parks in a park system.

Development may include pavilions, picnic tables, small performance stage, seating areas, gathering areas, family play areas, gazebos, small game areas, small community gardens, dog parks, and interactive art. Shade and lighting is desired.

Typical Characteristics

General Character

Small urban open space responding to specific user groups and space available.

Range of character can be for intense use or aesthetic enjoyment. Low maintenance is essential.

Location and Size

0.25 – 1.99 acres

Within walking distance of either a few blocks or up to a ¼ mile of residences

Typical Uses

Varies per user group

b) **Green Standards**



A Green is a public urban open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. Greens shall primarily be naturally landscaped with many shaded places to sit. Open lawn areas shall encourage civic gathering. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the Green.

A Green shall be adjacent to a public right of way and be spatially defined by buildings which shall front onto and activate this space.

Typical Characteristics

General Character

Open space

Spatially defined by street and building frontages and landscaping

Lawns, trees and shrubs naturally disposed

Open shelters and paths formally disposed

Location and Size

0.25 – 4 acres

Minimum width – 25'

Minimum pervious cover – 80%

Minimum perimeter frontage on public right of way – 50%

Typical Uses

Unstructured recreation

Casual seating

Commercial and civic uses

No organized sports

c) Square Standards



A square is a public urban open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. The square should have an urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square.

The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating should be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

Typical Characteristics

General Character

Formal open space

Spatially defined by buildings and tree-lined streets.

Open shelters, paths, lawns, and trees formally arranged

Walkways and plantings at all edges

Abundant seating opportunities

Location and Size

0.25 – 4 acres

Minimum width – 25'

Minimum pervious cover – 60%

Minimum perimeter frontage on public right of way – 60%

Located at important intersections

Typical Uses

Unstructured and passive recreation – no organized sports.

Community gathering

Occasional commercial and civic uses

d) **Plaza Standards**



A plaza is a public urban open space that offers abundant opportunities for civic gathering. Plazas add to the vibrancy of streets within the more urban zones and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces.

The landscape should have a balance of hardscape and planting. Various types of seating should be provided from planter seat walls, to steps, to benches, to tables, and chairs. Trees should be provided for shade. They should be formally arranged and of appropriate scale. Plazas typically should be located at the intersection of important streets. A minimum of one public street frontage shall be required for plazas.

Typical Characteristics

General Character

Formal open space

A balance of hardscape and planting

Trees important for shade

Spatially defined by building frontages

Location and Size

0.1 – 1 acre

Minimum width – 30'

Minimum pervious cover – 20%

Minimum perimeter frontage on public right of way – 25%

Located at important intersections, at vista termini, or at entrances to public/civic buildings

Typical Uses

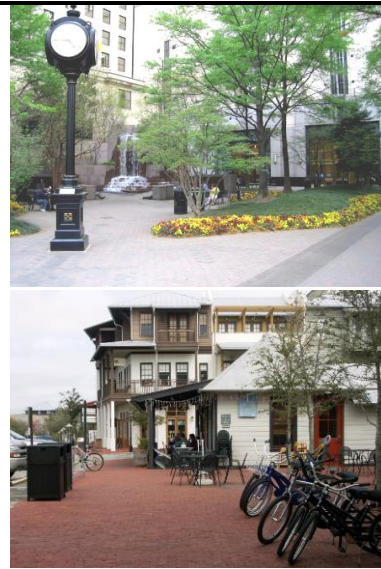
Commercial and civic uses

Formal and casual seating

Tables and chairs for outdoor dining

Retail and food kiosks

e) **Pocket Plaza Standards**



A pocket plaza is a small scale public urban open space that serves as an impromptu gathering place for civic, social, and commercial purposes. The pocket plaza is designed as a well-defined area of refuge separate from the public sidewalk. It is frequently located in a building supplemental zone next to the streetscape.

These areas contain a lesser amount of pervious surface than other open space types. Outdoor dining with café tables and chairs, water features, public art and other shaded amenities are appropriate uses.

Typical Characteristics

General Character

Formal open space for gathering

Defined seating areas

Refuge from the public sidewalk

Spatially defined by the building configuration

Location and Size

Min. 300 s.f.

Min. width – 15' / Max. width 20'

Minimum pervious cover –10 %

Minimum perimeter frontage on public right of way – 25%

Located at important intersections, at vista termini, or at entrances to public/civic buildings

Typical Uses

Civic and commercial uses

Formal and casual seating

f) **Pedestrian Passage (Paseo) Standards**



Pedestrian passages or paseos are linear public urban open spaces that connect one street to another at through-block locations. Pedestrian passages create intimate linkages through buildings at designated locations. These wide pathways provide direct pedestrian access to residential or other commercial addresses and create unique spaces for frontages to engage and enter off of. Pedestrian passages allow for social and commercial activity to spill into the public realm.

Pedestrian passages should consist of a hardscape pathway with pervious pavers activated by frequent entries and exterior stairways. The edges may simply be landscaped with minimal planting and potted plants. Shade is required for the success of the paseo.

This Public Open Space type is most appropriate for the reinvention of the existing alleys within Downtown Rogers.

Typical Characteristics

General Character

Hardscape pathway with pervious pavers

Defined by building frontages

Frequent side entries and frontages

Shade Required

Minimal planting and potted plants

Maintain the character of surrounding buildings

Standards

Min. Width 15 feet

Typical Uses

Pedestrian connection and access

Casual seating

g) **Multi-Use Trail Standards**



A multi-use trail is a linear public urban open space that accommodates two or more users on the same, undivided trail. Trail users could include pedestrians, bicyclists, skaters, etc. A trail frequently provides an important place for active recreation and creates a connection to regional paths and biking trails.

Trails within greenways or neighborhood parks shall be naturally disposed with low impact paving materials so there is minimal impact to the existing creek bed and landscape.

Pedestrian amenities add to recreational opportunities, particularly in an urban setting. These include drinking fountains, scenic view posts, fitness stations, and directional signs, and may be spread along the trail or grouped in a trailhead area.

Trails shall align with any current City of Rogers Trail Plans if identified as a section of that plan.

Typical Characteristics

General Character

Multi-use trail in Neighborhood Park:

Naturally disposed landscape

Low impact paving

Trees lining trail for shade

Appropriately lit for safety

Formally disposed pedestrian furniture, landscaping and lighting

Multi-use trail along roads:

Paved trail with frequent gathering spaces and regular landscaping.

Standards

Min. Width 10 feet

Typical Uses

Active and passive recreation

Casual seating

h) Family-friendly Play Area Standards



Family-friendly play areas are areas within urban open spaces that are conducive to the recreational needs of families with children. Family-friendly play areas range in style from urban pocket parks within mixed use developments to playscapes within neighborhood parks.

These play areas should serve as quiet, safe places -- protected from the street and typically located where children do not have to cross major streets to access. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided for ease of supervision.

Playscape equipment and design must be reviewed and approved by the City prior to installation. The need for fencing depends on the surrounding environment.

A larger playground may be incorporated into a neighborhood park, whereas a more intimate family oriented design may be incorporated into a pocket park.

Typical Characteristics

General Character

Focused toward family-friendly needs

Fencing depends on surroundings

Open shelter

Shade and seating provided

Play structure, interactive art or fountains

Standards

Min. Size 300 sq.ft.

Max. Size N/A

As described by open space type in which playground is located

Protected from traffic

No service or mechanical equipment

Typical Uses

Active and passive recreation

Unstructured recreation

Casual seating

2. Private Common Open Space Standards

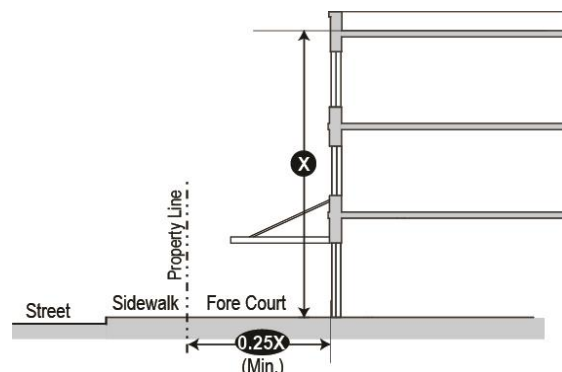
a) Forecourt Standards



Forecourt is a small scale private common open space surrounded on at least two sides by buildings. A forecourt is typically a building entry providing a transition space from the sidewalk to the building. The character serves as a visual announcement of the building to visitors with additional amenities such as signage, water features, seating, planting, etc.

Forecourts should be laid out proportionate to building height with a 1:4 (min.) ratio (see figure below). In order to offset the impact of taller buildings, the detail of the forecourt level should seek to bring down the relative scale of the space with shade elements, trees, etc.

The hardscape should primarily accommodate circulation. Seating and shade are important for visitors. Trees and plantings are critical to create a minimum of 30% pervious cover and offset the effect of the urban heat island.



Typical Characteristics

General Character

Small scale private common open space
Defined by buildings on at least 2 sides with connection to public sidewalk
Size of court should be proportionate to building height
Hardscape should accommodate entry circulation
Trees and plants are critical
Enhance the character of surrounding buildings

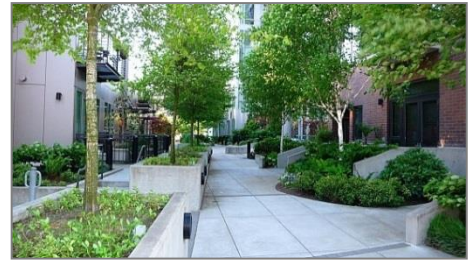
Standards

Min. Width	25'
Minimum Size	Depth: Based on building height ratio; Width: min. of 50% of the building's frontage along that street
Minimum pervious cover – 30%	

Typical Uses

Building Entry Circulation
Visual building announcement

b) Courtyard Standards



Courtyards are small scale private common open spaces surrounded on at least three sides by buildings with a pedestrian connection to a public sidewalk. Courtyards maintain the character and style of the surrounding buildings.

Courtyards should be laid out proportionate to building height between 1:1 and 2:1 ratio. In order to offset the impact of taller buildings, the detail of the courtyard level should seek to bring down the relative scale of the space with shade elements, trees, etc. Transition areas should be set up between the building face and the center of the court.

The hardscape should accommodate circulation, gathering, seating, and shade. Trees and plantings are critical to create a minimum of 30% pervious cover and offset the effect of the urban heat island.

Typical Characteristics

General Character

Small scale private common open space

Defined by buildings on at least 3 sides with connection to public sidewalk

Size of court should be proportionate to building height

Hardscape should accommodate circulation, gathering, and seating.

Trees and plants are critical

Maintain the character of surrounding buildings

Standards

Min. Width 25'

Minimum Area 650 s.f.

Minimum pervious cover – 30%

Typical Uses

Gathering

Casual seating

c) Roof Terrace Standards



A Roof Terrace is a private common open space serving as a gathering space for tenants and residents that might not be at grade.

Up to 50% of the required private common open space may be located on a roof if at least 30 % of the roof terrace is designed as a Vegetated or Green Roof. A Vegetated or Green roof is defined as an assembly or system over occupied space that supports an area of planted beds, built up on a waterproofed surface.

Private common open space on a roof must be screened from the view of the adjacent property. The hardscape should accommodate circulation, gathering, seating, and shade.

Typical Characteristics

General Character

Small scale private common open space on roof top

Screened from view of adjacent property

Vegetated portion critical

Hardscape should accommodate gathering, seating, shade

Provides common open space that might not be available at grade

Standards

Min. Area 50% of the roof top

Planted area – 30% min.

Typical Uses

Gathering for tenants and residents

Green Roof

Sec. 14-716. - CU condominium unit district.

(a)

Purpose and intent. The condominium unit district is established to allow multiple ownership of a building and or property utilizing the zero lot line and townhouse concepts. This district must be used in combination with another district to establish the land use limitations and the maximum density of development. These district combinations shall be located in those areas of the city where adequate facilities either exist prior to development or can be provided in conjunction with development and where the proposed development is compatible with the surrounding environment.

(b)

District combinations. The CU district may be used in combinations with all districts.

(c)

Density and use limitations. The density and land use shall be the same as the density and land use permitted in the district used in combinations with the CU district.

(d)

Other requirements. All of the other requirements such as height, area, regulations, off street parking, and signs shall be the same as the district with which the CU district is being combined. The only exception is the minimum land area for use of the CU district shall be one acre.

(e)

Large-scale development. All CU district designated development whether new or modification shall be subject to the requirements of the city large-scale development code (article III of this chapter).

(f)

Protective covenants. At the time of application for a large-scale development plan approval for a CU designated district, the developer shall submit protective covenants or restrictions which shall be applicable to the development and which shall provide for a means of financing the maintenance of any common areas and buildings. In addition, the protective covenants or restrictions shall limit the use of the property and improvements so as to prohibit extraordinary or unusual risks to persons or property in the development caused by the particular use of any unit of the development. Said covenants, as approved by the commission, shall be properly recorded prior to issuance of any building permit.

(Code 1997, § 130-39; Ord. No. 04-56, § 2(27), 5-25-2004)

• **Sec. 14-717. - PUD planned unit development.**

(a)

Purpose and intent. A planned unit development (PUD) is a comprehensively planned residential, commercial, office, or office-warehouse land development project in which the standard requirements of the zoning ordinance and subdivision regulations may be varied to permit design flexibility, building clustering, grouping of open space, increased density, and alternative to public facility improvements.

(b)

Approval requirements. To be approved, a planned unit development (PUD) must comply with the provisions of this section and must achieve the following purposes:

(1)

More efficient use of land;

(2)

More efficient use of public facilities;

(3)

More usable open space through structure grouping and other design techniques; and

(4)

Preservation of appropriate natural and/or physical features.

(c)

Denial of a PUD. The planning commission in its review of the conditional use request and concept plan may deny the use of the PUD provision for the following reasons.

(1)

The PUD plan did not achieve the stated purposes;

(2)

The proposed PUD was incomplete;

(3)

The PUD plan was incompatible with the surrounding area;

(4)

Sufficient public facilities and services were not available to the proposed site; and

(5)

The proposed development would create or compound a traffic hazard.

(d)

Administration.

(1)

Authorization and permitted uses. PUDs are authorized in all zoning districts except A-1, I-1, and I-2.

(2)

Principal uses. The principal land uses in a planned unit development shall be those permitted in the underlying zoning districts involved or those uses permitted in more restrictive zoning districts (i.e., in a commercial district, a planned unit development could be dominated by shopping facilities or dwelling units, but in a multifamily residential district, the predominant land use shall be dwelling units).

(3)

Accessory uses. Accessory uses which are customarily incidental to the principal uses of the PUD are permitted. Accessory signs shall comply with the provision of the underlying zoning district except as hereinafter provided for accessory commercial uses. Within a PUD in a residential district, accessory commercial uses may be included in accordance with the following provisions:

a.

In developments proposing commercial uses as a part of the PUD within a residential district, the following factors shall be considered:

1.

The relationship of the proposed commercial use to:

(i)

The land parcel (both as to boundary, shape, and topographic and other physical features);

(ii)

Surrounding land and land uses which are impacted by the proposed development; and

(iii)

The overall arrangement of the proposed development.

2.

The nature of the commercial use as it applies to providing service, convenience and benefit to the residents of the PUD.

b.

In developments proposing more than one business, the aggregate floor area of the commercial uses shall not exceed 50 square feet per dwelling unit.

c.

Each commercial establishment shall be limited to a maximum of 3,500 square feet of floor space.

d.

Commercial signs shall be limited to one nameplate of not more than 16 square feet for each establishment. Nameplates shall be attached flat against a building wall and shall not be animated, flashing, or have other than indirect illumination. Window signs shall not be permitted.

e.

The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD, however, a commercial establishment may be permitted which is designed to serve patrons both inside and outside the development if it is determined that a land use problem is not likely upon consideration of the items listed.

f.

Commercial uses at locations where the underlying zoning is other than commercial shall be considered only when the PUD exceeds 100 dwelling units.

(e)

Approval.

(1)

Within 30 days of receipt of a PUD conceptual plan by the planning authority, such office shall review the proposal and schedule a public hearing before the planning commission, with appropriate notice to the developer. With public hearing review and planning authority recommendations the planning commission will approve, disapprove, or approve with conditions the conceptual plan. The reasons for disapproval or the conditions of approval shall be put in writing and provided to the developer. If approved, or approved with conditions, the developer will be free to proceed with a preliminary PUD plan.

(2)

Preliminary PUD plan and final PUD plan approval will follow the procedures laid out in the large-scale development and subdivision ordinances of the city (articles III and V of this chapter).

(f)

Changes within a PUD. Minor changes caused by conditions unforeseen at the times of approval may be authorized by the planning authority without planning commission approval. These changes include, but are not limited, to: structure location, structure character, location of sidewalks, trails, street lighting, parking, and changes in landscaping. All other changes within the opinion of the planning authority or planning commission are major changes must be approved by the planning commission.

(g)

PUD size. The minimum land area for a PUD is five acres.

(h)

Density.

(1)

The dwelling unit density shall be the density allowed in the zoning district which governs the principal use. If more than one zoning district permitting residential uses is involved, then the maximum number of dwelling units shall be the combined total of all districts, each district being calculated separately according to its land area times the density of the zoning district covering that land area.

(2)

In addition to the dwelling unit density otherwise permitted, the following density bonus is provided for additional open space.

Percent Open Space (Gross Land Area)	Permitted Dwelling Units per Acre
35	7.5
40	8.00
45	8.50
50	9.00

(3)

In all districts where residential uses are permitted, one additional dwelling unit may be permitted or each additional 2,200 square feet of additional setback area measured from the existing R-SF district. Only one of the above density bonus methods may be granted by the planning commission for any PUD.

(i)

Perimeters.

(1)

When a PUD has a common perimeter with a property in a commercial or industrial development, the following graduated setbacks shall apply to the external perimeter common to the PUD and such districts or development.

(2)

When a PUD has a common perimeter with a property in a commercial or industrial development, the following graduated setbacks shall apply to the external perimeter common to the PUD and such districts or development.

(3)

Type of perimeter PUD development.

a.

Single-family: 25 feet.

b.

Duplex or patio home: 50 feet.

c.

Multifamily: 75 feet.

d.

Nonresidential: 100 feet.

(4)

External setbacks when a PUD abuts any other zoning district or development (including another PUD) shall be the same as that provided by the zoning ordinance for those abutting zones. In addition, any single structure containing two or more units exceeding one story, shall be set back an additional one foot for each one foot of height over 35 feet when adjacent to property in a residential district.

(5)

Internal spacing between structures shall be a minimum of ten feet, measured to the nearest point of the structure.

(j)

PUD expansion; variance. The planning commission may vary the requirements of this article, of the city's zoning regulations, or of the city's subdivision regulations:

(1)

Due to practical difficulties caused by terrain or other physical features; or

(2)

If the proposal offered by the developer protects the public health, safety, and welfare better than development according to the zoning regulations, or the subdivision regulations. Any variance granted by the planning commission shall become valid unless overruled by the city council within 21 days after the action of the planning commission. Any variance shall be stated in written form, either on the plat or as a signed document to be recorded with the plat.

(k)

Lot splits within a PUD. Following planning commission approval of the final PUD plan, the planning administrator may approve an unlimited number of lot splits within a PUD provided the character or intent of the approved development is not being changed.

(l)

Enforcement. No building permit shall be issued for development, which proposes a change from the approved preliminary development plan without the approval of the planning administrator or planning commission. No certification of occupancy shall be issued until the final development plan has been

approved and filed of record in the county courthouse. If structural construction has not started within six months after issuance of a building permit, the developer will be notified that the PUD approval will be revoked unless the developer shows good cause for the delay and the planning commission approves the extension. If the PUD approval is revoked and rezoning action was involved in the initial approvals, the planning commission may initiate action to return the original zoning to the property. All decisions by the building inspector or planning administrator related to PUDs may be appealed to the planning commission and all planning commission decisions may be appealed to the city council. The procedure for appeal shall be the same for an appeal for a rezoning decision.

(m)

Public hearing. For all PUDs, a public hearing shall automatically be called coincidental with the concept plan review by the planning commission. Said public hearing shall be held following the same requirements, fees, and procedures for a rezone hearing.

(n)

Notification.

(1)

The developer must notify, by certified mail, return receipt requested, anyone who leases or owns property within 300 feet of the perimeter of the PUD, that a PUD proposal is pending. Said notification shall be mailed 15 days prior to the meeting at which the planning commission is to review the concept plan. The developer shall provide a copy of the notice of public hearing and the green receipt cards to the planning commission.

(2)

A copy of the mailing list and the green receipt cards from the mailout shall be furnished to the planning commission at the public hearing.

(o)

Review procedure; concept plan. Whenever a developer intends to develop a PUD under the provisions of this article, he shall submit a concept plan and request for conditional use prior to initiating the detailed work involved in the preparation of a preliminary plat. The purpose of the concept plan is to allow the developer, the planning commission, and the general public to discuss the proposed development before a great deal of time and money are committed to any project.

(1)

The concept plan shall include the following:

a.

Total area to be included in the PUD;

b.

Topography (USGS two foot intervals is sufficient);

c.

Public facilities to be provided;

d.

Areas with potential flood problems, wetlands, or any other features presenting development difficulty;

e.

Unique physical features;

- f. Nature of surrounding development;
- g. Nature and extent of tree cover;
- h. Nature of proposed development;
- i. Tentative street layout;
- j. Any other information deemed necessary by the planning commission;
- k. Filing fee;
- l. The developer shall submit 25 copies of the concept plan to the planning authority.

(2)

Preliminary PUD plan. A preliminary PUD plan shall be submitted to the planning commission following the same procedures and requirements outlined in the subdivision regulations. In addition to the requirements of the subdivision regulations, the following information shall be submitted:

- a. An estimate of the number of units for sale and lease;
- b. Identification and size (acres or square feet) of all open space;
- c. Identification and location of all nonresidential structures proposed in the PUD;
- d. All information relating to the establishment, operation, and perpetuation of the property owners association;
- e. Proposed protective covenants;
- f. Natural features;
- g. Written request for any desired variance from the zoning or subdivision regulations;
- h. Location, and size of all proposed parking areas and all pertinent information relating to access and maintenance. Maintenance of parking areas in a nonresidential PUD shall be the responsibility of the landowner, or a property owners' association and shall not be the responsibility of the city. The method for maintenance shall be established by the PUD covenants;
- i. Grading and drainage plans;

- j. The developer shall submit 25 copies of the preliminary plan to the planning authority;
- k. Filing fee.

(3)

Final PUD plan. A final PUD plan shall be submitted following the procedures and requirements in the subdivision regulations. In addition to the requirements of the subdivision regulations, the following information shall be submitted:

- a. Location of recreational facilities;
- b. Proposed treatment and ownership of open spaces;
- c. Relationship of dwelling units, recreation facilities and open spaces;
- d. Grading plan and drainage plan;
- e. Proposed trails, walks, waterbodies, and other special facilities;
- f. A landscape or planting plan for both public and private open spaces;
- g. Draft protective covenants and property owners' association agreement. Any property owners' association agreement shall apply to all property owners within the PUD and the protective covenants shall so provide;
- h. Location, and size of all proposed parking areas and all pertinent information relating to access and maintenance. Maintenance of parking areas in nonresidential PUD shall be the responsibility of the landowner, or a property owners' association and shall not be the responsibility of the city. The method for maintenance shall be established by the PUD covenants;
- i. The developer shall submit 25 copies of the final PUD plan to the planning authority;
- j. Filing fees.

(p)

Design standards.

(1)

Sidewalks. As required by the current sidewalk ordinance (article IV, division 4 of this chapter).

(2)

Streetlights. As required by the current subdivision ordinance (article V of this chapter).

(3)

Water. As required by the current subdivision and large-scale development ordinances (articles IV and III of this chapter).

(4)

Sewer. As required by articles III and IV of this chapter.

(5)

Parking. As required by the current zoning and subdivision ordinances (articles V and VIII of this chapter).

(6)

Landscaping. As required by all applicable landscape requirements of the city.

(7)

Streets. Streets within the PUD may be public or private.

a.

Public streets. Public streets shall be constructed according to the adopted standards of the city;

b.

Private streets. Private streets within a PUD shall be permitted subject to the following conditions:

1.

Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting more than one public street shall be constructed to existing city standards and shall be dedicated as a public street.

2.

Subbase, base and paving shall meet city standards.

3.

An adequate storm drainage system in accordance with the city drainage ordinance and master drainage plan, and approved by the planning authority shall be required for all private streets.

4.

Sidewalks shall be installed on both sides of all streets.

5.

Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

6.

The plat of the planned development shall designate each private street as a private street.

7.

Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the city. The method for maintenance and a maintenance fund shall be established by the PUD covenants. The covenants shall expressly provide that the city is a third party beneficiary to the covenants and shall have the right to enforce the parties of the covenants. The covenants shall provide that in the event the private streets are not

maintained as required by the covenants, the city shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PUD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PUD for such cost. The protective covenants shall grant the city the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the city council.

8.

The width of private streets shall meet city standards.

9.

All of the traffic laws prescribed by the city shall apply to traffic on private streets within a PUD.

10.

The minimum building setback requirement from a private street shall be 20 feet from the back of the sidewalk in residential areas.

11.

The developer shall erect at the entrance to private streets a rectangular blue street name sign, indicating the street is a private street.

(q)

Open space, residential.

(1)

Open space. Each PUD shall provide at least 30 percent of the total land area within the residential part of the PUD as usable private or public open space. A minimum of at least one-half of the 30 percent open space shall be contiguous (in continuous connection). Land within the floodplain up to and including (ten-year frequency) and wetland may be counted as no more than 50 percent of the usable open space. Any area intended for active open space shall be minimum of 25 feet wide in its smallest dimension. Active open space is defined as an area intended for rigorous activity such as tennis, baseball, badminton, and other games requiring physical exertion. Passive open space may be any size. Passive open space is defined as an area intended for tranquil activities such as walking, sitting, observing and the less active games like shuffleboard and croquet. The following shall not be considered as usable open space:

a.

The surface area of parking lots including driveways;

b.

The area occupied by structures excluding structures used for recreational purposes;

c.

Any lot intended for private ownership; and

d.

Street surface area.

(2)

All land proposed for public open space shall be approved by the city council prior to final approval of the PUD and upon transfer to the city shall thereafter become the maintenance responsibility of the city. Provisions shall be made for the maintenance and perpetuation of all proposed private open space.

(3)

Perpetuation of private open space. The PUD covenants shall expressly provide that the city is a third party beneficiary to the covenants and shall provide that no encroachment on, reduction of, or modification to the open space required shall be made without prior approval of the city council, irrespective of the vote of the other parties to the covenants.

(4)

Maintenance of private open space. The maintenance of all private open space shall be the responsibility of the developer or of a property owners association and the method for maintenance and maintenance fund shall be established in the PUD covenants. The covenants shall expressly provide that the city is a third party beneficiary to the covenants and that the city shall have the right to enforce the requirements for open space irrespective of the vote of the other parties to the covenants. All private open space shall be maintained in an appropriate manner. The term "appropriate manner" means a manner which does not violate city ordinances or constitute a hazard to the safety, health, or general welfare of the PUD residents or general public. The covenants shall provide that in the event private open space is not maintained as required by the covenants and this ordinance, the city shall have the right (but shall not be required) to maintain said open space and to charge all maintenance costs incurred by the city to the property owners within the PUD on a pro rated basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PUD for such costs.

(5)

Height. The height regulations of the various zoning districts shall apply and be in addition to the perimeter setbacks established in this article.

(6)

Natural features. Natural features such as bluffs and streams existing on a proposed PUD site shall be identified on both the concept and preliminary plat. Every effort shall be made to retain these natural features in open space. A grading plan will be required by the planning commission in cases where terrain is a critical factor. At a minimum, the grading plan shall show how drainage problems and erosion will be controlled, and will be shown on the preliminary PUD plan.

(7)

Signs. Erection and maintenance of all signs on private streets shall be the responsibility of the developer or a property owners association (POA). Following final approval of the PUD, the city will erect and maintain all street name signs and traffic control signs for public and private streets.

(8)

View protection. The planning commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to ensure the perpetuation of those views both within and without the PUD through protective covenants restrictions.

(r)

Open space, commercial.

(1)

Open space. Each PUD shall provide at least 20 percent of the total land area within the commercial part of the PUD as usable private or public open space. A minimum of at least one-half of the 20 percent open space shall be contiguous (in continuous connection). Land within the floodplain up to and including (ten-year frequency) and wetland may be counted as no more than 30 percent of the usable open space. Any area intended for active open space shall be a minimum of 25 feet wide in the smallest dimension. Active open space is defined as an area intended for rigorous activity such as tennis, baseball, badminton, and other games requiring physical exertion. Passive open space may be any size. Passive open space is defined as an area intended for tranquil activities such as walking, sitting, observing, and the less active games like shuffleboard and croquet. The following shall not be considered as usable open space:

- a.
The surface area of parking lots including driveways;
- b.
The area occupied by structures excluding structures used for recreational purposes;
- c.
Any lot intended for private ownership; and
- d.
Street surface area.

(2)

All land proposed for public open space shall be approved by the city council prior to final approval of the PUD and upon transfer to the city shall thereafter become the maintenance responsibility of the city. Provisions shall be made for the maintenance and perpetuation of all proposed private open space.

(3)

Perpetuation of private open space. The PUD covenants shall expressly provide that the city is a third party beneficiary to the covenants and shall provide that no encroachment on, reduction of, or modification to the open space required shall be made without prior approval of the city council, irrespective of the vote of the other parties to the covenants.

(4)

Maintenance of private open space. The maintenance of all private open space shall be the responsibility of the developer or of a property owners association and the method for maintenance and maintenance fund shall be established in the PUD covenants. The covenants shall expressly provide that the city is a third-party beneficiary to the covenants and that the city shall have the right to enforce the requirements for open space irrespective of the vote of the other parties to the covenants. All private open space shall be maintained in an appropriate manner. The term "appropriate manner" means a manner which does not violate city ordinances or constitute a hazard to the safety, health, or general welfare of the PUD residents or general public. The covenants shall provide that in the event private open space is not maintained as required by the covenants, the city shall have the right (but shall not be required) to maintain said open space and to charge all maintenance costs incurred by the city to the property owners within the PUD on a pro rated basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PUD for such costs.

(5)

Height. The height regulations of the various zoning districts shall apply and be in addition to the perimeter setbacks established in this article.

(6)

Natural features. Natural features such as bluffs and streams existing on a proposed PUD site shall be identified on both the concept and preliminary plat. Every effort shall be made to retain there natural features in open space.

(7)

A grading plan will be required by the planning commission in cases where terrain is a critical factor. At a minimum, the grading plan shall show how drainage problems and erosion will be controlled, and will be shown on the preliminary PUD plan.

(8)

Signs. Erection and maintenance of all signs on private streets shall be the responsibility of the developer or a property owners association (POA). Following final approval of the PUD, the city will erect and maintain all street name signs and traffic-control signs for public and private streets.

(9)

View protection. The planning commission shall have the right to establish special height and/or positioning restriction where scenic views are involved and shall have the right to ensure the perpetuation of those views both within and without the PUD through protective covenant restrictions.

(s)

Construction of nonresidential facilities. Prior to issuance of a building permit for more than eight residential units, for any PUD, all approved nonresidential facilities shall be constructed. In the event the developer proposes to develop the PUD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the city to guarantee completion of the nonresidential facilities.

(Code 1997, § 130-40; Ord. No. 04-56, § 2(28), 5-25-2004)

- **Sec. 14-718. - Sexually oriented businesses.**

(a)

Purpose and intent. It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the city, and to establish reasonable and uniform regulations of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor the affect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor affect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law.

(b)

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult arcade means any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devises are maintained to

show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore or adult video store means a commercial establishment whose principal business purpose is to offer for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films motion pictures, videocassettes, or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1)
Persons who appear in a state of nudity;
- (2)
Live performances which are characterized by the exposing of specified sexual activities or specified anatomical areas; or
- (3)
Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize specified sexual activities.

Adult theaters means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appearing in a state of nudity of live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

Nudity or state of nudity means:

- (1)
The appearance of the bare human buttocks, anus, male genitals, female genitals, or female breast.
- (2)
A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

Residential district means any land within the city limits zoned as R-E, R-SF, R-AH, R-DP, N-R, R-MF, R-MHC, R-RVP or R-O.

Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater as the same are defined herein.

Specified anatomical areas means:

- (1)

Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and

(2)

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

(1)

Human genitals in a state of sexual simulation or arousal;

(2)

Acts of human masturbation, sexual intercourse, or sodomy;

(3)

Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

(c)

Classification. Sexually oriented businesses are classified as follows:

(1)

Adult arcade;

(2)

Adult bookstores and adult video stores;

(3)

Adult cabarets;

(4)

Adult motion picture theaters; and

(5)

Adult theaters.

(d)

Conditional use. Sexually oriented businesses shall not be allowed in any zoning district except C-2 where they may be allowed as conditional use subject to the following:

(1)

No sexually oriented business may be operated within 660 feet of:

a.

Church;

b.

Public or private elementary, middle school, secondary or post-secondary school, preschool or child care facility;

c.

Boundary of a residential district (R-E, R-SF, R-AH, R-DP, N-R, R-MF, R-MHC, R-RVP, R-O);

d.

Public park, family recreational center, bowling alley, or skating rink;

e.

Hospital; or

f.

Properties listed on the National Register of Historical Places or local historic districts as identified by the Arkansas Historic Preservation Program.

(2)

No sexually oriented business may be operated within 200 feet of any single-family or multiple-family residential use.

(3)

A person commits an offense if the person causes or permits the operation, establishment, or maintenance of a sexually oriented business within 660 feet of another sexually oriented business, or within 660 feet of any room, building, premises, place or establishment that sells or dispenses any alcoholic beverage, which means but is not limited to distilled spirits, wine or beer.

(4)

For the purposes of subsections (d)(1) and (2) of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the sexually oriented business to the nearest property line of any church, public or private elementary, middle school, secondary or post-secondary school, preschool or child care facility, public park, family recreation center, bowling alley, skating rink, residential district or any single-family or multiple-family residential use, hospital, properties listed on the national historic register or local historic districts as identified by the Arkansas Historic Preservation Program, place or establishment that sells or dispenses any alcoholic beverage as defined in subsection (d)(3) of this section, or any other sexually oriented business.

(e)

Penalties.

(1)

Any person operating or causing to be operated any sexually oriented business in violation of any part of this section, upon conviction, is punishable by a fine not to exceed \$500.00.

(2)

If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed \$250.00 for each day that the same is unlawfully continued.

(3)

A person who operates or causes to be operated a sexually oriented business in violation of this section will be subject to a suit for injunction as well as prosecution for criminal violations.

(f)

Not rendered illegal. A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of a church, a public or private school, a preschool, a child care facility, a public park, a family recreation center, a bowling alley, a skating rink, residential zoning, a residential use, or an establishment selling or dispensing alcohol.

(Code 1997, § 130-58; Ord. No. 04-107, § 1, 9-28-2004)

- **Sec. 14-719. - Rules of interpretation of district boundaries.**

Where uncertainty exists as to the boundary of a district on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as following the centerlines of streets, alleys, railroads, streams, rivers or lakes shall be construed as following the centerlines;
- (2) Boundaries indicated as following plotted lot lines shall be construed as following the lot lines;
- (3) Boundaries indicated as following city limit lines shall be construed as following the city limit lines;
- (4) Distances not specifically indicated on the official zoning map shall be determined by the scale of the map; and
- (5) Where a line cannot be determined by the rules above the planning commission shall decide the location of the line.

(Code 1997, § 130-41; Ord. No. 04-56, § 2(29), 5-25-2004)

- **Sec. 14-720. - Nonconforming lots, uses of land, structures, and uses of structures and premises.**

- (a) *Statement of intent and purpose.* Within the districts established by this article or amendments that may later be adopted, if there exist lots, structures, or uses of land and structures which were lawful before the ordinance from which this article was derived was passed or amended, but which would be prohibited, regulated, restricted under the terms of this chapter or future amendment, it is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of the chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (b) *Nonconforming use of structure and land in combination.* Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment on a building premises or additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.
- (c) *Buildings and structures where construction has begun.* To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this article is derived and upon which actual building construction has been carried out diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(d)

Nonconforming lots of record.

(1)

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot or record at the effective date of adoption or amendment of the ordinance from which this article is derived, notwithstanding limitations imposed by other provisions of this article. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of adjustments.

(2)

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the ordinance from which this chapter is derived, and if all or parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this article, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this article.

(e)

Nonconforming uses of land (or land with minor structures only). Where at the time of passage of the ordinance from which this article is derived lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

(1)

No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance from which this article is derived;

(2)

No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance from which this article is derived;

(3)

If any such nonconforming use of land ceases for any reason for a period of more than 120 days, any subsequent use of such land shall conform to the regulations in which such land is located;

(4)

No additional structure not conforming to the requirements of this article shall be erected in connection with such nonconforming use of land.

(f)

Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on areas, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1)

No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2)

Single-family nonconforming structures in nonresidential zones may be allowed to expand only by planning commission action.

(Code 1997, § 130-42; Ord. No. 04-56, § 2(30), 5-25-2004)

- **Sec. 14-721. - Application of district regulations.**

(a)

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

(b)

No building or structure hereafter erected or altered shall exceed the height, bulk, area, percent coverage, density, open space and yard requirements established in this chapter. No land shall be used other than in accordance with the requirements of this article. No existing yard or lot shall be reduced in dimension or area below the minimum requirements of this chapter. Yards and lots created after the passage of the ordinance from which this article is derived shall meet the minimum requirements of this chapter.

(c)

No part of a yard, lot, other open space, parking or loading area required for one building, structure or use shall be counted for another building, structure or use.

(d)

All land area annexed after the effective date of the ordinance from which this article is derived shall be zoned upon annexation as A-1 district unless the annexing ordinance of the city zones the property otherwise.

(e)

Any lands subject to the jurisdiction of this article but not specifically included shall be considered A-1 district until rezoned otherwise.

(f)

Any zoning district line which splits a lot of record existing at the time of passage of the ordinance from which this article is derived may be extended by the administrative officer to the whole lot line, provided the lot is one acre or less.

(g)

Uses which were inadvertently omitted from the schedule of uses and new uses created after passage of the ordinance from which this article is derived may be added to the schedule of uses by resolution of the planning commission.

(Code 1997, § 130-43; Ord. No. 04-56, § 2(31), 5-25-2004)

- **Sec. 14-722. - General district regulations.**

(a)

Visibility at intersections. At any intersection within the city, nothing will be erected, planted, placed or allowed to grow which impedes vision at the intersection between the height of 2½ feet and ten feet above the highest elevation of the road surface cross section of the intersection streets. This restriction shall apply in a triangle shaped area running 25 feet in each direction from the intersection curblines or roadway surface lines and a line connecting those two points. This restriction may be varied by the board of adjustments in the C-1 central business district.

(b)

Multiple structures on one lot. More than one principal permitted structure shall be allowed on one lot in any zoning district provided each structure shall meet all zoning requirements as if it were a separate lot.

(c)

Access to public streets. Every structure hereafter erected or moved shall be located on a lot which has frontage on a public street.

(d)

Accessory uses. Accessory uses are allowed on any lot in any district provided that no accessory use shall be allowed in any required yard area or setback. Accessory uses shall not be established prior to the principal use without planning commission approval.

(e)

Height exceptions. Certain building accessories and other structures are exempt from the height regulations of this article. Building accessories would include steeples, spires, belfries, cupolas, antennas, heating and cooling systems, ventilators and chimneys. The structures would include antennas, watertanks, chimneys and smokestacks. If the height of any building accessory or structure at its proposed location on the property exceeds the distance to the nearest property line, that building or structure shall be reviewed and approved or denied by the planning commission. No freestanding cross or other type of religious symbol may be taller than 70 feet at the highest point from the ground.

(f)

Large-scale development. Development of a residential nature is exempt from the large-scale development process in the R-SF, R-AH, and N-R districts. Any development in the A-1 district over 5,000 square feet is required to go through the large-scale development process. Any development with five or more dwellings units in the R-DP, R-MF, R-MHC, and R-RVP districts is required to go through the large-scale development process. Any development in the R-O, O, C-1, C-2, C-3, C-4, W-O, I-1, and I-2 districts is required to go through the large-scale development process.

(Code 1997, § 130-44; Ord. No. 04-56, § 2(32), 5-25-2004)

- **Sec. 14-723. - Conditional uses.**

(a)

Uses listed in the schedule of uses as "conditional in district" may be approved by the planning commission after a public hearing subject to the following:

- (1)
Filing of an application by the property owner stating the use and district requested and payment of an application fee;
 - (2)
Notification to all property owners within 300 feet by certified mail, return receipt requested, publication of a public hearing notice in a local newspaper 15 days prior to the date of the public hearing, and placement of a sign on the property by the planning authority which gives notice of a public hearing 15 days prior to the public hearing;
 - (3)
Finding that the use is a conditional use in the district requested and that the property under application is zoned correctly;
 - (4)
Finding that the conditional use would be compatible with the adjacent property and uses would not set a precedent contrary to the city land use plan;
 - (5)
Finding that all other zoning requirements such as yards, off-street parking, lot width and screening and buffering can be met; and
 - (6)
Finding that ingress and egress for the proposed use will not create a traffic hazard.
- (b)
The planning commission may deny a conditional use if in its opinion any of the above conditions cannot be met.
- (c)
A conditional use once denied shall not be heard again (for the same or substantially similar conditional use on the same property) within a period of one year unless the applicant can show how the planning commission erred in its determination or that new information not available at the time of the public hearing has been discovered. A majority vote of the entire planning commission shall be required to rehear any conditional use.
- (d)
As a part of approving a conditional use, the planning commission may add conditions which will in its opinion carry out the preamble of the zoning ordinance.
- (e)
No decision of the planning commission granting a conditional use permit under this section shall become effective until after an elapsed period of ten days from the date of the planning commission meeting during which the request was heard. During this ten day period, an appeal of the decision, whether to grant OR to deny the permit, may be taken to the city council by filing a letter of appeal with the city clerk. The letter shall state the nature and grounds for the appeal. The following persons or entities may appeal: The applicant, or a property owner or leaseholder who owns or leases property within 300 feet of the property to which the conditional use applies. The city council shall hear such appeal and consider all relevant evidence prior to rendering a final decision. The city council may affirm, reverse or modify, in whole or in part, the action of the planning commission or may refer the matter back to the planning commission for further action.
- (f)

Once a conditional use is approved that conditional use is personal to the applicant and is limited to the location to which it was approved and may only be changed to another conditional use through further action of the planning commission or city council. A conditional use may be changed to a use by right in the zoning district at any time. Once a conditional use is approved, that use may continue so long as it abides by the findings of this subsection and any special conditions placed upon the use by the planning commission or city council. The use may only continue as stated above if no special condition of a time duration restriction is added as a condition of the actual granting of the conditional use permit.

(g)

If a complaint is filed with the planning commission by an adjoining property owner or city employee concerning an alleged violation of a conditional use, the planning commission shall notify the holder of the conditional use permit of the complaint and shall schedule a public hearing. If, after the public hearing, the planning commission finds that a violation exists or has repeatedly existed in the past, depending on the nature of the violation, the planning commission may: 1. Vote to discontinue the conditional use. 2. Take no action if the violation has been remedied to their satisfaction. 3. Vote to modify the terms of the existing conditional use permit in a manner likely to address any further similar violations. The conditional use permit holder shall be notified of the action of the planning commission and shall have 15 days from the date of the notice to discontinue the use or file an appeal with the city council.

(h)

The filing of an appeal stays all proceedings and the city council shall make the final determination as to the alleged violation(s) and the subsequent action on the conditional use permit.

(i)

Certain conditional uses which are temporary in nature such as carnival, religious revival, circus, amusement park, fruit/vegetable stand and other similar outdoor enterprises and real estate sales offices in a developing subdivision may be permitted by the administrative officer following the filing of an application and payment of a permit fee. The administrative officer shall specify on the application the hours of operation and duration of the use. All such uses such as carnival, circus and other outdoor activities, which involve lights and noise, shall not be allowed any closer than 500 feet to a dwelling unit.

(Code 1997, § 130-45; Ord. No. 04-56, § 2(33), 5-25-2004)

- **Sec. 14-724. - Board of adjustment.**

(a)

Organization. The board of adjustment shall consist of at least five members who shall be selected by the mayor and confirmed by resolution of the city council. One member of the board of adjustment shall be a member of the city planning commission and the other members, citizens at large. The members terms of office shall be for three years and shall be staggered. Vacancies on the board of adjustment shall be filled by selection of the mayor and confirmed by resolution of the city council. Members of the board of adjustment may be removed from office for cause after written notice from the mayor and public hearing by the city council. The board shall establish its own rules of procedure covering, but not limited to bylaws, meeting times and dates, elections, public records and findings and decisions.

(b)

Officers and duties. The board of adjustment shall elect a chairman and secretary annually from among its members. The chairman shall preside at all meetings and shall decide points of order or procedure as

necessary. The secretary shall preside at meetings in absence of the chairman, shall be custodian of the minutes and other official records of the board, shall attend to correspondence and shall cause to be given such notices as are required and in the manner prescribed by law.

(c)

Meetings, quorum and agenda. Regular meetings shall be held (unless there is no business) at the time and place directed in the public hearing notice. Special meetings for any purpose may be held:

(1)

On call of the chairman or any two members of the board provided that written notice is given to all interested parties at least 48 hours prior to the meeting; or

(2)

As may be scheduled by a majority of the board at any previous meeting. All meetings of the board shall be public meetings and shall be held in full compliance with the provisions of state law.

Any party in interest may appear in their own behalf or may be represented by council or agent. A quorum shall consist of any three members of the board. An agenda shall be prepared for each meeting of the board. The agenda shall include matters pending further action and new appeals and matters scheduled for consideration by the board.

(d)

Official records and vote. The official records shall include these rules and regulations, all matters concerning a case, the minutes of the board's meetings and all findings and decisions of the board. All appeal applications, minutes findings and decisions and other matters and materials pertinent to a case shall be retained in city hall and shall be available for public inspection during customary working hours. The minutes of the board's proceedings shall show the vote of each member on each decision the board makes including absent or failing to vote.

(e)

Appeals; powers and duties.

(1)

The board of adjustment shall hear the following appeals as provided by state law:

a.

Hear appeals from the decision of the administrative officers in respect to the enforcement and application of the zoning ordinance, and may affirm or reverse, in whole or in part, said decision of the administrative officer; and

b.

Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

(2)

The board of adjustment shall not permit, as a variance, any use in a zone that is not permitted under this article. The board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.

(3)

No appeal shall be taken to the board until and unless the administrative officer has first refused a building permit or has rendered an interpretation of the zoning ordinance. Said refusal on the part of the administrative officer shall be on a form provided by the city setting forth the reasons for refusal or interpretation including the pertinent section of the ordinance which apply and signed by the administrative officer.

(4)

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer certifies to the board after the appeal is filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a decision of the board or a restraining order granted by a court of record.

(5)

Every appeal shall be filed on an application form provided by the city, shall be accompanied by the prescribed fee and shall bear the signature of the owner of the property under appeal or by accompanied by a letter from the owner authorizing an appeal. An incomplete application shall be considered a notice of intent to file and shall not be taken to the board until it is complete.

(f)

Appeal or variance procedure.

(1)

Applications for appeal or variance shall be filed with the board 15 days prior to the next regular scheduled meeting of the board.

(2)

When an application for appeal or variance has been filed with the board, the board shall publish a notice in the newspaper having general circulation in the city. The notice shall be published one time not less than ten days preceding the day of the hearing and shall include the date, time and place of the hearing, the applicant's name, the location of the property (both the legal description and layman's description) under appeal or variance and the nature of the appeal or variance requested. The board shall also have a sign placed on the property ten days preceding the day of the hearing, which sign shall be at least 18 inches high and 30 inches wide, also giving notice of appeal or application for variance.

(3)

An application may be withdrawn anytime prior to the delivery of the legal notice to the newspaper. After delivery of the legal notice to the newspaper only the board in regular or special session may allow the application to be withdrawn. The applicant shall be responsible for all legal notice fees.

(g)

Hearing and decisions.

(1)

The chairman shall call the board to order and cause the members present or absent to be recorded. The chairman shall advise those members present of the procedure followed in the hearing and disposition of appeals, announce the name of the applicant, the location of the property involved and the nature of the request.

(2)

The chairman shall first call upon the applicant to present his case and all evidence supporting the plea. Board members may question the applicant after his presentation. The chairman shall then inquire if there are others who support the appeal and allow them to speak. Board members may question others following their presentation. The chairman shall next call on those opposed to the appeal to present their arguments. Board members may question those opposed following their presentations. The applicant shall then have the right to rebuttal to arguments presented by the opposition. Following the rebuttal the chairman shall close the public hearing. The board shall then discuss and dispose of the appeal. During the public hearing each side shall proceed without interruption and all arguments and pleadings shall be addressed to the board. No questioning or arguments between individuals will be permitted.

(3)

If an applicant fails to appear the board may continue that appeal to a future time and day certain. If the applicant fails to appear at the second public hearing the application is automatically denied and can only be reheard in keeping with the terms of this article.

(4)

The board may approve, may approve with modifications, or may deny any appeal. The board may defer to a time and day certain any appeal whenever it concludes that additional information is needed or that alternate solutions need further study. A majority vote of the board shall be required for any decision.

(5)

An appeal, once denied, shall not be heard again within a period of one year unless the applicant can show how the board erred in its determination or that new information not available at the time of the public hearing has been discovered. A majority vote of the entire board shall be required to rehear any appeal.

(6)

A determination of the board concerning an interpretation of the zoning ordinance shall be permanent until the ordinance is changed or the board makes a subsequent decision. A determination of the board concerning a variance from the zoning ordinance shall be valid for six months from the date of the final decision by the board. If a building permit is issued on a piece of property which relates to a variance decision of the board, then the building permit expiration date shall apply if it exceeds the six-month board decision date.

(7)

All appeals from a decision of the board shall be to a court of record having jurisdiction.

(Code 1997, § 130-46; Ord. No. 04-56, § 2(34), 5-25-2004)

- **Sec. 14-725. - Initiating authority.**

Amendments to this article may be initiated by the city council, planning commission or any owner of property in the city.

(Code 1997, § 130-47; Ord. No. 04-56, § 2(35), 5-25-2004)

- **Sec. 14-726. - City council and planning commission application.**

The city council or planning commission may initiate an amendment to this article by passage of a resolution setting forth the requested change. Upon receipt of the resolution, the planning commission shall hold a public hearing and all procedures shall be the same as an application from a property owner.

(Code 1997, § 130-48; Ord. No. 04-56, § 2(36), 5-25-2004)

- **Sec. 14-727. - Property owner application.**

Any owner of property or their authorized agent in the city may request an amendment to this article by filing an application and payment of fees with the planning administrator on forms provided by the city. Upon receipt of an application and payment of fees, the planning administrator shall schedule a public hearing and publish a public notice in a newspaper having general circulation in the city at least one-time 15 days prior to the day of the public hearing. The public notice shall state the nature of the request and the time, date and location of the public hearing.

(Code 1997, § 130-49; Ord. No. 04-56, § 2(37), 5-25-2004)

- **Sec. 14-728. - Public hearing procedure.**

(a)

The chairman shall call the commission to order and cause the members present or absent to be recorded. Afterward, the chairman shall advise those present of the procedure followed in the public hearing, announce the name of the applicant, the location of the property involved, and the nature of the request.

(b)

The chairman shall first call upon the applicant to present his case and all evidence supporting the request. Commission members may question the applicant after his presentation.

(c)

The chairman shall then inquire if there are others who support the request and allow them to speak. Unless a request for additional time to speak was made prior to the beginning of the planning commission meeting in which the public hearing is being conducted, any person speaking after the applicant and speaking in favor of the applicant's request shall be limited to five minutes in which to address the commission. When every person desiring to speak in favor of the applicant's request has been heard, the chairman shall inquire if any person is present that desires to speak in opposition to the applicant's request. Unless a request for additional time to speak was made prior to the beginning of the planning commission meeting in which the public hearing is being conducted, any person speaking in opposition to the applicant's request shall be limited to five minutes in which to address the commission.

(d)

When every person desiring to speak in opposition to the applicant's request has had an opportunity to do so, the applicant shall be called back and given an opportunity to rebut arguments made in opposition to his request, and may answer additional questions that may be posed by the commission.

(e)

During the public hearing, each side shall proceed without interruption, and all arguments and pleadings shall be addressed to the commission. No questioning or arguments between individuals will be permitted. Any person found by the chairman to be interrupting the presentation of another speaker, or

directing comments to anyone other than commission members, shall be ordered to cease and if they refuse to do so may be removed from the meeting.

(Code 1997, § 130-50; Ord. No. 04-56, § 2(38), 5-25-2004; Ord. No. 05-61, § 1, 4-26-2005)

- **Sec. 14-729. - Planning commission action.**

(a)

Following the public hearing, the planning commission may approve the proposed amendment as presented, approve a modified form of either less land area or more restrictive zone or deny the application. An application may be tabled to a time and date certain for further study. If no action is taken by the planning commission within 45 days of the public hearing date, then the application shall be considered approved and shall be forwarded to the city council for consideration. The 45-day period may be extended if the applicant agrees to the extension either by so stating at a public meeting of the planning commission or in writing to the planning commission.

(b)

An approved application or an approved modified application shall be forwarded to the city council for final consideration. A denied application may be appealed by the applicant to the city council. The applicant may appeal a denied application by filing a letter of appeal with the city clerk with 15 days of the public hearing at which the application was denied. The letter of appeal shall state why the applicant feels the planning commission decision was in error.

(c)

An application may be withdrawn by the applicant any time prior to the public notice being give to the newspaper. After public notice has been given only the planning commission by majority vote in a public meeting may allow an application to be withdrawn.

(d)

Any part or all of a property involved in an application which was denied or withdrawn after public hearing shall not be resubmitted for a period of one year from the date of last action on the application.

(e)

The planning commission may allow an application to filed in less than one year if by majority vote it finds that a public benefit would result or that new information has been presented which was not available at the previous hearing.

(Code 1997, § 130-51; Ord. No. 04-56, § 2(39), 5-25-2004)

- **Sec. 14-730. - City council action.**

The city council may approve a recommended amendment submitted by the planning commission, modify a recommended amendment to a more restrictive district or to include less land, table a recommended amendment for referral back to the planning commission for further study and subsequent recommendation or deny a recommended amendment. Any action of the city council shall be by majority vote and all approved amendments shall be by ordinance.

(Code 1997, § 130-52; Ord. No. 04-56, § 2(40), 5-25-2004)

- **Sec. 14-731. - Enforcement.**

(a)

The planning administrator designated by the city council, or the planning administrator's subsequent designee, shall enforce the zoning ordinance. The building permit and the occupancy permit process shall be the tools used by the city for enforcement.

(b)

No building permit or occupancy permit shall be issued for a structure, which proposed a use that is not permitted in the zoning district in which the structure is located. No use of a property shall be permitted which is contrary to the requirements of the district in which that property is located. No building permit or occupancy permit shall be issued for a structure, which does not conform to the bulk and area requirements of this article after the effective date of the ordinance from which this article is derived.

(c)

No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the enforcement official. No building or other structure shall be occupied without an occupancy permit issued by the enforcement official.

(Code 1997, § 130-53; Ord. No. 04-56, § 2(41), 5-25-2004)

- **Sec. 14-732. - Penalties.**

Violation of the provisions of this article including any special conditions established under conditional uses or by board of adjustment action shall constitute a misdemeanor. Any person, firm, corporation, etc., that violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined in a sum not to exceed the amounts established in Rogers City Code section 1-5 for each day that the violation may be unlawfully continued.

(Code 1997, § 130-54; Ord. No. 04-56, § 2(42), 5-25-2004)

- **Sec. 14-733. - Administration.**

(a)

This article shall be administered by the planning administrator designated by the city council. The administrative office shall be responsible for receiving applications, public notices, agendas, processing applications, planning commission and board of adjustment meetings, and any other administrative requirements of this chapter.

(b)

Any person may file a complaint of an alleged violation of this article. The administrative officer, or their designee, shall investigate all complaints and determine if a violation exists. If a violation exists, the administrative officer shall inform the owner of the property in violation in writing citing the section of the article in violation and give the owner 30 days to correct the violation. The administrative officer may give the owner a specified period of time greater than 30 days if the nature of the violation requires a greater time period. If the violation is not corrected in the time period specified, the administrative officer shall refer the matter to the senior staff attorney and/or the Code Enforcement office for appropriate action.

(Code 1997, § 130-55; Ord. No. 04-56, § 2(43), 5-25-2004)

- **Sec. 14-734. - Purpose.**

The purpose of this article is to provide the minimum standards to safeguard life, health, property, public welfare and community aesthetics, by regulating and controlling the location, design and quality of maintenance of signs visible to the public.

(Code 1997, § 130-56; Ord. No. 04-56, § 2(44), 5-25-2004)

- **Sec. 14-735. - Administration of requirements.**

The requirements of this article shall be administered by the city planning department and or its designated representative.

(Code 1997, § 130-57; Ord. No. 04-56, § 2(45), 5-25-2004)

Secs. 14-736—14-750. – Reserved.